



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL

### Introduction

This hearing dealt with a tenants' Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's Two Month Notice To End Tenancy for Landlord's Use of Property (the "Two Month Notice").

The tenants attended the teleconference hearing and gave affirmed testimony. The landlord did not attend the hearing. The tenants were given a full opportunity to be heard, to present sworn testimony and make submissions. The 1:30 p.m. hearing lasted until 1:48 p.m.

As the landlord did not attend the hearing, service of the tenants' Application and Notice of a Dispute Resolution Hearing (the "Notice of Hearing") were considered.

The tenants testified that their Application and Notice of Hearing were served on the landlord by posting a copy of the documents on the door of the landlord's home.

### Analysis – Service of Tenants' Application

Rule 3.1 of the *Residential Tenancy Branch Rules of Procedure* establishes the following service requirements:

*3.1 The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:*

- (a) the Application for Dispute Resolution;*
- (b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;*

- (c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; and*
- (d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC office with the Application for Dispute Resolution, in accordance with Rule 2.5.*

Section 89(1) of the *Act* requires the application for dispute resolution to be served by one of the following ways:

- (a) by leaving a copy with the person;*
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;*
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;*
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;*
- (e) as ordered by the director under section 71(1) [director's orders: delivery and service of documents].*

Rule 3.5 of the *Residential Tenancy Branch Rules of Procedure* establishes that the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the hearing package and all evidence as required by the *Act* and these *Rules of Procedure*.

As the tenants posted a copy of the Application and Notice of Hearing on the landlord's door, I find that the tenants have not provided sufficient evidence to satisfy me that the landlord was served in accordance with the *Act* and the *Rules of Procedure*. Accordingly, I am not satisfied that the landlord was properly served with the tenants' application for dispute resolution.

### Conclusion

I dismiss the tenants' Application with leave to re-apply due to insufficient service.

This decision is made on authority delegated to me by the Director of the Residential

Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 26, 2017

---

Residential Tenancy Branch