



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      CNC, FF, LAT, LRE, MNDC

### **Introduction**

This matter was set for a conference call hearing at 11:00 a.m. on this date. The tenant participated in the hearing, the landlord did not. The tenant testified that she left the Notice of Hearing Letter and Application for Dispute Resolution for this hearing in the landlords' mailbox. Section 89 of the Act addresses this as follows:

### **Special rules for certain documents**

**89 (1) An application for dispute resolution** or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in 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]*.

Conclusion

The tenant was unable to satisfy me that the landlord had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the tenants' application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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: May 01, 2017

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Residential Tenancy Branch