



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, LRE, MNDC, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End tenancy for Cause; to have the landlord make emergency repairs for health and safety reasons; to suspend or set conditions on the landlord's right to enter the rental unit; for monetary compensation for loss or other money owed; for the return of all or part of the security deposit; and to recover the cost of the filing fee from the landlord.

The tenant appeared.

Preliminary and procedural matter

At the outset of the hearing the tenant indicated that they did not serve the landlord with their Application for Dispute Resolution and the Notice of Hearing.

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*].

The landlord was not served in accordance with section 89 of Act, I find the tenant's applicant must not proceed due to lack of service. Therefore, I dismiss the tenant's application with leave to reapply.

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 29, 2017

Residential Tenancy Branch