



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI CNL MNDC OLC FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (the "Application") pursuant to the *Residential Tenancy Act* (the "Act") seeking to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property, to dispute an additional rent increase, for a monetary order for compensation or loss under the Act, regulation or tenancy agreement, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution the "Application") were considered. While the tenant first stated that he served the landlord on December 3, 2016, he later changed his testimony that he served the landlord's brother on December 10, 2016 personally at the rental unit.

Section 89(1)(a) through (e) inclusive of the Act sets out the methods in which a landlord can be served when being served with a tenant's monetary claim. The tenant did not submit evidence that the person served was an agent for the landlord and as a result, I find the tenant failed to serve the landlord in a method provided for under section 89(1) of the Act.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the tenant's Application **with leave to reapply**. I note this decision does not extend any applicable time limits under the Act.

Conclusion

The tenant's Application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 6, 2017

Residential Tenancy Branch