



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OLC RR RP

### **Introduction**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- an order to the landlord to make repairs to the rental unit pursuant to section 33;

While the tenant attended the hearing by way of conference call, the landlord did not. The tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### **Preliminary Issue - Service of the Application for Dispute Resolution**

The tenant testified in the hearing that he had attempted to serve the landlord with this Application for Dispute Resolution ('Application') to the address on the Notice of Rent Increase that was given to him in October 2016, but when personally attending the address he discovered that it belonged to a doctor, and not the landlord. Nobody at the address had heard of the landlord, or the landlord's contact information when asked.

The tenant testified that he did not know the landlord's address, and rent is normally paid by leaving it in the unattended, manager's office on the third floor. The tenant testified that there was no live-in manager, and that someone would pick up the rent cheques, as well as written requests for repairs.

On June 1, 2017 the tenant had left his rent cheque accompanied by the Application package in his apartment for pickup, and when he had returned around 4:00 p.m. both the cheque and Application were gone. The next day the Application was returned to the same area where he had left it. The tenant testified that the usual manager was on vacation, and that a backup manager had come by to pick up the rent cheque. The

tenant had left a note with the building management stating “your rent...is ready, I also have a notice for you. Please come to Apt #...to pickup up rent and notice at the same time.”. A copy of this note was included in the tenant's evidence. The tenant testified that he did not serve the landlord with his evidence.

Section 89 of the *Act* establishes the following special rules for service of documents.

***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].*

*(2) An application by a landlord under section 55 [order of possession for the landlord], 56 [application for order ending tenancy early] or 56.1 [order of possession: tenancy frustrated] must be given to the tenant in one of the following ways:*

- (a) by leaving a copy with the tenant;*
- (b) by sending a copy by registered mail to the address at which the tenant resides;*
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;*
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;*

*(e) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].*

I find that the tenant has not met the requirements of sections 88 and 89 of the *Act* for service of their Application. Accordingly, I dismiss the tenant's entire application with leave to reapply.

**Conclusion**

I dismiss the tenant's entire application for dispute resolution 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: July 10, 2017

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Residential Tenancy Branch