



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held on October 2, 2017. This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for unpaid rent or utilities, pursuant to section 46

The Landlord did not attend the hearing. The Tenant attended the hearing and stated that the Notice of Hearing along with supporting documentary evidence was delivered to a 16 year old [approximately] female who answered the front door at the landlord's residence. I turn to the following portion of the *Act*:

### **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*].

As discussed during the hearing, I do not find the tenant sufficiently served the landlord with the application for dispute resolution and Notice of Hearing package. I find the method of service the tenant utilized, as above, is insufficient to ensure the landlord received the package in accordance with the *Act*.

As the Notice of Hearing package has not been sufficiently served for the purposes of this *Act*, I dismiss the Tenant's application in full, with leave to reapply.

### Conclusion

I dismiss the tenant's application in full, with leave to reapply. This is not an extension of any statutory deadline.

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: October 02, 2017

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Residential Tenancy Branch