



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing addressed the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an early end of tenancy and an Order of Possession pursuant to section 33; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Only the landlord participated in the conference call hearing. The landlord was given full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that on October 25, 2017 he sent by UPS a copy of the Landlord's Application for Dispute Resolution Package and a copy of his evidentiary package. He explained that his records indicated that the package had been delivered to the tenants.

While I appreciate the efforts that the landlord has made to serve the tenants. Sending a document by UPS is not a recognized form of service under section 89 of the *Act*.

Section 89 states:

89 (1) An application for dispute resolution...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;

I am not satisfied that the landlord served notice of this dispute resolution hearing documents to the landlord as required by section 89 of the *Act*. For this reason, the landlord's application is dismissed with leave to reapply.

Conclusion

I dismiss the landlord'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: December 13, 2017

Residential Tenancy Branch