



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, OLC, MNDC,

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to have the landlord make emergency repairs and repairs, to have the landlord provided services or facilities required by law, to have the landlord comply with the Act, and for a monetary order for money loss or other money owed.

Preliminary and procedural matters

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were left at the landlord's property. The landlord was not home at the time.

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;

....

In this case, landlord was not served in a method permitted under section 89 of the Act as the documents were left at the landlord's property. They were not served in person or served on the landlord's agent.

Based on the above, I find the landlord was not served by a method permitted under the Act. 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: December 07, 2017

Residential Tenancy Branch