



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, CNR, RP, OLC

### Introduction

The tenants apply to cancel a ten day Notice to End Tenancy for unpaid rent and a one month Notice to End Tenancy for cause both dated December 1, 2017. They also seek a repair order and an order that the landlord complies with the law or the tenancy agreement.

The landlord did not attend the hearing within twenty minutes after its scheduled start time. Therefore, a preliminary question is whether the landlord has been served with notice of this hearing.

The tenant Mr. M.G. testifies that he served the landlord with the application and notice of hearing by regular mail to the landlord's address in Saskatchewan.

Section 89 of the *Residential Tenancy Act* specifies the ways a tenant must serve the application and notice of hearing on a landlord. Those methods are:

- (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*].

Service by regular mail is not included.

The tenants have failed to show that the non-attending landlord has been duly served. Their application must be dismissed, with leave to re-apply, subject to applicable time limitation periods.

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: January 09, 2018

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Residential Tenancy Branch