



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC

### Introduction

This hearing was originally scheduled for 11:00 a.m. on January 11, 2018 to deal with a tenant's application for orders for the landlord to comply with the Act. Due to technical difficulties on January 11, 2018 the hearing was rescheduled to 9:30 a.m. on this date and the parties were informed of the rescheduling by an Information Officer. At the hearing scheduled for this date only the tenant appeared.

The tenant testified that she had served the landlord with her Application for Dispute Resolution by putting the hearing package on the windshield of his car. The tenant could not recall the date this was done. The tenant stated the landlord had not communicated with her about her Application for Dispute Resolution after she left it on his windshield.

Where a respondent does not appear at the hearing, the applicant must be prepared to prove the hearing package was served upon the respondent in a manner that complies with the Act. Section 89 of the Act provides for the ways an Application for Dispute Resolution must be served upon the respondent. Since the tenant was seeking an order for compliance she was required to serve the landlord in accordance with section 89(1) of the Act. Section 89(1) permits a tenant to serve a landlord either: in person (to the landlord or landlord's agent); by registered mail; or, as ordered by the Director by way of a *Substituted Service Order*.

In this case, the tenant did not have authority from the Director to serve in a different way. Accordingly, the tenant was required to serve the landlord either: in person or by registered mail. The tenant did not do so and I must find the landlord was not properly served with the tenant's Application for Dispute Resolution. I have the authority to deem a person sufficiently served even if they were not served in a manner that complies with section 89; however, I find it inappropriate to deem the landlord

sufficiently served in this case since the landlord did not attend the hearing and the landlord had not communicated with the tenant about her Application for Dispute Resolution. Therefore, I decline to consider the tenant's Application for Dispute Resolution further and I dismiss it 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: January 23, 2018

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Residential Tenancy Branch