



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for:

- more time to make an application to cancel the landlords' One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 66; and
- cancellation of the landlords' One Month Notice pursuant to section 47.

Neither of the landlords attended this hearing, although I waited until 11:22 a.m. in order to enable the landlords to connect with this teleconference hearing scheduled for 11:00 a.m.

The tenant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant testified that they served the Application for Dispute Resolution (the Application) to the landlords by personal service and then amended her answer to indicate that she served the landlords by registered mail. Although I waited for 20 minutes, the tenant was not able to provide a tracking number to confirm this registered mailing.

Analysis

In this type of matter, the tenant must prove they served the landlords with the Application, with all the required inclusions as indicated on the Notice of Hearing document, as per section 89 (1) of the *Act* which permit service by leaving a copy with the landlord or an agent of the landlord or "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." The definition of registered mail is set out in section 1 of the *Act* as "any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available."

I find the tenant failed to provide confirmation of their Application to the landlords by way of registered mail in the form of Canada Post tracking numbers.

For this reason I find that the tenant did not serve the landlords in accordance with section 89 of the *Act*.

Since I find the tenant has not served the landlords with the Application in accordance with section 89 of the *Act*, I dismiss the tenant's application in its entirety, with leave to reapply.

I make no findings on the merits of the matter.

Leave to reapply is not an extension of any applicable limitation period.

Conclusion

The Tenant's Application is dismissed, 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: February 09, 2018

Residential Tenancy Branch