



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC OLC RP

Introduction

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

- Cancellation of the landlord's 1 Month Notice for Cause;
- An Order directing the landlord to comply with the Act pursuant to section 62; and
- An Order directing the landlord to make repairs to the unit, site or property.

The tenant was represented at the hearing by her advocate, C.W. Only the tenant appeared at the hearing.

The tenant stated that a copy of her application for dispute resolution was sent to landlord by way of fax. The tenant could not recall the date on which the application for dispute was faxed but explained that the staff at the *Residential Tenancy Branch* had informed her that they would fax the landlord following receipt of her application.

Analysis

The tenant testified that she served the landlord with her application for dispute resolution package by way of fax on an unknown date.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

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;*
- (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 document]...*

The tenant has not served the landlord in a manner required by section 89(1) of the Act. I am not satisfied that the landlord was properly served with the tenant's application for dispute resolution.

Conclusion

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: March 13, 2018

Residential Tenancy Branch