



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR MNDC

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) to cancel a Notice to End Tenancy and for a Monetary Order.

The tenant attended the conference call hearing, but the landlord did not. The tenant testified that they did not serve the landlord with their application or notice of hearing but the landlord may have otherwise heard about this matter. The proceeding did not have benefit of any document evidence.

Section 89 of the Act states as follows in reference to service of documents respecting this type of matter.

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;
- (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*].

The tenant as applicant was required to serve the landlord with their claim against them. I am not satisfied the landlord has knowledge of this matter and of the tenant's claim. Therefore, **I dismiss** the tenant's application, with leave to reapply. None of the potential merits of this application were heard.

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: March 28, 2018

Residential Tenancy Branch