



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

This matter was scheduled for a teleconference at 9:30 a.m. on this date. The tenant participated in the teleconference, the landlord did not. The tenant testified that he left the Notice of Hearing package and his application on a "ledge" in a common area for the landlord to pick up. Section 89 of the *Act* addresses service of special documents as follows:

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*].

As the tenant has failed to serve the landlord by one of the means outlined above, I am not satisfied that the landlord has been served the tenants application and notice of this hearing, accordingly; I dismiss the tenant's application in its entirety with leave to reapply. Leave to reapply is not an extension of any limitation period.

Conclusion

The tenants' application is dismissed with leave to reapply. Leave to reapply is not an extension of any limitation period.

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: April 12, 2018

Residential Tenancy Branch