



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC LRE OLC PSF RP

### Introduction

This hearing was scheduled to address the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for: cancellation of the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 47; an order requiring the landlord to comply with the Act pursuant to section 62; an order that the landlord provide services or facilities required by law pursuant to section 65; an order that the landlord make repairs to the rental unit pursuant to section 33; and an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

The landlord/respondents did not attend this hearing, although the teleconference remained open until 11:11 a.m. in order to enable the landlord/respondents to connect with this teleconference hearing scheduled for 11:00 a.m. The tenant/applicant attended: she was the only party who identified herself on the teleconference line. The tenant/applicant was given a full opportunity to be heard and to present testimony regarding the service of her Application for Dispute Resolution ("ADR") and evidence.

The tenant (EB) testified that she served her ADR on February 6, 2018 by slipping it under the landlords' door. The tenant also submitted additional documentary evidence for this hearing. The tenant testified that the additional evidence was also provided to the landlords by slipping it under the landlords' door.

Residential Tenancy Policy Guideline No. 12 explains the requirements of service pursuant to section 88, 89 and 90 of the Act. There are only three ways in which an applicant (in this case the tenant) must serve a respondent (the landlords) with their application for dispute resolution by:

- Personal service (physically handing a copy of the document to the person being served);

- Registered Mail (by Canada Post with confirmation of delivery available); or
- A Residential Tenancy Branch Order Regarding Service.

The Policy Guideline states that, “Failure to serve documents in a way recognized by the Legislation may result in the application being adjourned, dismissed with leave to reapply, or dismissed without leave to reapply.”

I find that the tenant provided insufficient evidence to show that the landlords were sufficiently served with her application for dispute resolution and her evidence to support her application. . To ensure procedural fairness and provide the respondent with an opportunity to respond, it is essential that the respondent be aware of an application against them and the details of that application. It is also essential that the respondent be aware of the hearing date and time. I find that the tenant’s testimony that she slipped her application under the respondent/landlords’ door does not meet the requirements of service under the Act. Therefore, I dismiss the tenant’s application with leave to reapply.

### Conclusion

I dismiss the tenant’s application with leave to reapply. Leave to reapply does not change or affect timelines for an application.

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: May 02, 2018

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Residential Tenancy Branch