



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE GLENAYRE REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR ERP OLC RR

Introduction

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

- cancellation of a 10 Day Notice to End Tenancy for unpaid rent pursuant to section 46 of the *Act*;
- emergency repairs to be made to the rental unit pursuant to section 33 of the *Act*;
- for an Order directing the landlord to comply with the *Act* pursuant to section 62;
- an Order allowing the tenant to reduce the rent for repairs, services or facilities agreed upon but not provided pursuant to section 65 of the *Act*.

Only tenant J.F. appeared at the hearing. The tenant called in 9 minutes after the hearing was meant to begin.

The tenant said that she gave her application for dispute to the landlord's secretary in person but the tenant could not provide a date on which these documents were given to the landlord's secretary, or confirm if the secretary was an agent for the landlord.

Analysis

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;***

The tenants have not sufficiently demonstrated that they served the landlord in a manner as required by section 89(1) of the *Act*. The tenants are encouraged to retain all documents related to service for any future application that they may bring against the landlord. This decision does not alter any timelines associated with the Notice to End Tenancy.

Conclusion

I dismiss the tenants' 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: June 19, 2018

Residential Tenancy Branch