



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, OLC

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“10 Day Notice”), pursuant to section 46; and
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62.

The landlord did not attend this hearing, which lasted approximately 8 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Preliminary Issue – Service of Tenant’s Application

The tenant testified that the landlord was served with the tenant’s application for dispute resolution hearing package on April 11, 2018, by way of posting to his door.

Section 89(1) of the *Act* outlines the methods of service for an application for dispute resolution, which reads in part as follows:

*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 documents].*

Service of an application for dispute resolution by posting to the door is not permitted under section 89(1) of the *Act*. Accordingly, I find that the tenant failed to prove service in accordance with section 89(1) of the *Act* and the landlord was not served with the tenant's application. The landlord did not appear at this hearing to confirm service.

At the hearing, I notified the tenant that I was dismissing his entire application with leave to reapply. I informed him that he would be required to file a new application and pay a new filing fee, if he wished to pursue his application against the landlord.

After providing my decision to him, the tenant became upset. Before I could obtain his contact information in order to send a copy of this decision to him, the tenant unexpectedly disconnected from the hearing. After confirming that there were no other participants left in the hearing, I ended the conference.

### Conclusion

The tenant's entire 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: June 13, 2018

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Residential Tenancy Branch