



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC

Introduction

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

- Cancellation of a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 47; and
- An order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62.

The landlord did not attend this hearing which lasted approximately 10 minutes. The tenant was represented by his agent CC (the "tenant") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant testified that no 1 Month Notice has yet been served. The tenant said that the landlord gave them verbal warning that a 1 Month Notice may be served at some point in the future. The tenant said that they filed their application for dispute resolution on May 6, 2018 in anticipation of being served with a Notice at some point in the future. The tenant testified that they served the application for dispute resolution on the landlord by leaving it on their front door on or about May 6, 2018.

Issue(s) to be Decided

Has the tenant served the landlord with the application for dispute resolution in accordance with the Act?

Analysis - Service

Section 89(1) 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;*
- (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 document]...*

I find that placing an application for dispute resolution on the front door of the landlord's residence to not be a manner of service allowed under the *Act*. Consequently, I find that the application was not served in accordance with section 89 of the *Act* and I dismiss the application with leave to reapply.

Conclusion

I dismiss the tenant's entire 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: July 3, 2018

Residential Tenancy Branch