



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, PSF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* ("Act"), I was designated to hear an application regarding the above-noted tenancy. The tenants 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 provide services or facilities required by law, pursuant to section 65.

The landlord did not attend this hearing, which lasted approximately 13 minutes. The two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The hearing began at 11:00 a.m. and ended at 11:13 a.m.

Preliminary Issue – Service of Tenants' Application

The male tenant testified that the landlord was served with the tenants' application for dispute resolution hearing package by way of posting it to a bulletin board on August 28, 2018.

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 by posting to a bulletin board is not permitted under section 89(1) of the *Act*. Accordingly, I find that the tenants failed to prove service in accordance with section 89(1) of the *Act* and the landlord was not served with the tenants' application.

At the hearing, I advised the male tenant that I was dismissing the tenants' application with leave to reapply. I notified him that the tenants would be required to file a new application and pay a new filing fee, if they wished to pursue this matter further. The male tenant became upset, stating that the landlord had locked the tenants out of the rental unit, kept their animals, and they did not receive a 10 Day Notice but got a 24-hour note to leave. I notified the male tenant that he could file an application to include all of these claims and speak to an information officer at the Residential Tenancy Branch to obtain information to assist them in filing and proving proper service at the next hearing. Before I could finish speaking and obtain the tenants' contact information to send them a copy of this decision, the tenants unexpectedly disconnected from the teleconference without warning at 11:13 a.m. I ended the conference at that time.

Conclusion

The tenants' 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: September 28, 2018

Residential Tenancy Branch