



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, RP, FFT, O

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72; and.
- other remedies, which included orders with respect to the landlord's alleged improper access to their rental unit.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:46 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. Tenant HMB (the tenant) attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord and I were the only ones who had called into this teleconference.

Preliminary Issues - Service of Documents

As the tenant confirmed that they were handed the 1 Month Notice by the landlord on June 30, 2018, I find that the tenants were duly served with this Notice in accordance with section 88 of the *Act*. At the commencement of this hearing, the tenant testified that on September 1, 2018, the tenants gave their own notice to the landlord that they intend to vacate the rental premises by September 30, 2018.

The tenant testified that they served the landlord with a copy of the tenants' dispute resolution hearing package and written evidence package by posting it on the landlord's door as requested by the landlord on July 10, 2018.

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;*
- (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]...*

As mentioned at this hearing, the tenants have not served the landlord in a manner required by section 89(1) of the *Act*. I am not satisfied that the landlord was properly served with the tenants' application for dispute resolution.

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: September 06, 2018

Residential Tenancy Branch