



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 9240COURBOULD INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OLC, FFT

Introduction and Preliminary Matters

On November 29, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting to cancel a 10-Day Notice to End Tenancy, for an order for the Landlord to comply with the Act, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Tenant attended the conference call hearing; however, the Landlord did not attend at any time during the 14-minute hearing. The Tenant testified that his mother texted the Landlord with the information about the Notice of Hearing.

Section 89 of the Act states that the Notice must be given in one of the following ways; by leaving a copy with the Landlord; by leaving a copy with an agent of the Landlord; or, by sending a copy by registered mail to the address at which the Landlord carries on business. I find that the Landlord has not been duly served with the Notice of Hearing in accordance with Section 89 the Act.

I am, therefore, unable to hear the Tenant’s Application as I am not satisfied that the Landlord was properly served with the Application for Dispute Resolution or Notice of Hearing. As a result, this Application is dismissed with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

In the event that the parties decide to reapply for Dispute Resolution, they will be required to resubmit all written evidence, upon which they intend to rely, to each other.

They will also need to place their written evidence on the Residential Tenancy Branch's online Service Portal again.

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: January 14, 2019

Residential Tenancy Branch