



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, CNR

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on November 28, 2018 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 2 Month Notice for Landlord's use of the property, dated November 24, 2018 (the "2 Month Notice");

The hearing was scheduled for 9:30am on January 11, 2019 as a teleconference hearing. Only the Tenant appeared at the hearing and provided affirmed testimony. No one called in for the Landlord. The conference call line remained open and was monitored for 18 minutes before the call ended.

Background and Evidence - Service of Landlord's Application

The Tenant made an amendment to her Application on December 6, 2018 to include a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated December 5, 2018 (the "10 Day Notice"). The Tenant advised that the Landlord was served with the Application package, documentary evidence as well as the amendment to her Application by placing it through the mail slot on December 6, 2018.

Analysis – Service of Landlord's Application

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]...*

The Tenant has 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 Tenant's Application for dispute resolution, amendment to the Application, or documentary evidence.

Conclusion

I dismiss the Tenant's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the Act.

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