



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC   FF

This hearing dealt with the Landlords' Application for Dispute Resolution, made on December 12, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "*Act*"):

- an order of possession for cause; and
- an order granting recovery of the filing fee.

The Landlords attended the hearing and were represented by T.H., an agent, who provided affirmed testimony. The Tenant did not attend the hearing.

On behalf of the Landlords, T.H. testified the Notice of Dispute Resolution Hearing package was served on the Tenant by regular mail. Photographic evidence included images of a Canada Post receipt and of the envelope addressed to "Tenant".

Section 89 of the *Act* sets out the ways a Notice of Dispute Resolution Hearing package must be served on an opposing party. Regular mail is not an enumerated method of service. However, T.H. confirmed the Notice of Dispute Resolution Hearing package was served on the Tenant by regular mail, and the envelope was not addressed specifically to the Tenant.

I find there is insufficient evidence before me to conclude the Tenant was served with the Notice of Dispute Resolution Hearing package in accordance with section 89 of the *Act*. As a result, the 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: January 25, 2019

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Residential Tenancy Branch