



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET, FFL

This matter was set for a conference call hearing at 9:30 a.m. on this date. The landlord participated in the hearing, the tenant did not. The landlord is seeking an early end of tenancy and an order of possession. The landlord testified that he slipped the Notice of Hearing Documents and Application into the tenants' mailbox but was unsure of the day. Section 89(2) of the Act addresses the issue before me as follows:

### **Special rules for certain documents**

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(2) An application by a landlord under section 55 [*order of possession for the landlord*], **56 [application for order ending tenancy early]** or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
  - (b) by sending a copy by registered mail to the address at which the tenant resides;
  - (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
  - (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
  - (e) as ordered by the director under section 71
- (1) [*director's orders: delivery and service of documents*].

(3) A notice under section 87.5 [*notice of administrative penalty*] must be given in a manner referred to in subsection (1).

The landlord was unable to satisfy me that the tenant had been served the Notice of Hearing Documents in accordance with Section 89(2) of the Act and as a result, I

dismiss the landlord's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: February 08, 2019

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Residential Tenancy Branch