



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, MT

Introduction

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

- cancellation of the landlord's Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit (the Four Month Notice) pursuant to section 49; and
- more time to make an application to cancel the landlord's Four Month pursuant to section 66.

The landlord did not attend this hearing, although I waited until 11:11 a.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 11:00 a.m.

Tenant I.A. (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.

The tenant testified that they served the Application for Dispute Resolution (the Application) to the landlord by regular mail.

Analysis

In this type of matter, the tenant must prove they served the landlord with the Application, with all the required inclusions as indicated on the Notice of Hearing document, as per section 89 (1) of the *Act* which permit service by leaving a copy with the landlord or an agent of the landlord or "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." The definition of registered mail is set out in section 1 of the *Act* as "any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available."

Having considered the above, I find that the tenant did not serve the landlord in accordance with section 89 of the *Act*.

Since I find that the tenant has not served the landlord with the Application in accordance with section 89 of the *Act*, I dismiss the tenant's application in its entirety, with leave to reapply.

I make no findings on the merits of the matter.

Leave to reapply is not an extension of any applicable limitation period.

Conclusion

The tenants' 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: February 15, 2019

Residential Tenancy Branch