



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") to cancel of the landlord's One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47.

The tenant attended the hearing, but the landlord did not.

The tenant testified that he served the landlord with the notice of dispute resolution and application for dispute resolution forms via regular mail to an address in British Columbia. The tenant also testified that he believed the landlord was in Brazil currently and would not return to British Columbia until April.

Section 89 of the Act states:

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:

- (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;

Regular mail is not one of the approved methods for service of the application for dispute resolution proceeding. As such, I find that the tenant has failed to serve the landlord in accordance with the Act.

Accordingly, I dismiss the tenant's application with leave to reapply. This does not change any time limit as set out in section 47 (or any other section) of the Act. I note that this application was filed on January 30, 2019. As I have dismissed this application on other grounds, I make no finding as whether this satisfies any timing requirements of section 47.

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: March 12, 2019

Residential Tenancy Branch