



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

This hearing was convened in response to an application by the Tenant for an order that the Landlord comply pursuant to section 62 of the *Residential Tenancy Act* (the “Act”).

The Landlord did not attend the hearing. The Tenant states that it was unknown that the Tenant had to serve the Landlord with its application for dispute resolution, notice of hearing and any documentary evidence (the “Materials”). The Tenant states that the Notice of Dispute Resolution Proceeding provided to the Tenant from the Residential Tenancy Branch (the “RTB”) does not provide this information and that the Tenant believed that the Landlord would be notified of the hearing by the RTB. The Tenant confirms that information for service of the Materials was provided to the Tenant from the RTB in an email that accompanied the provision of the completed hearing package to the Tenant. The Tenant states that this information was missed by the Tenant. The Tenant states that it also has been having difficulties contacting the Landlord and that the Tenant is not sure of a current email address for the Landlord. The Tenant states that it does not have a copy of the tenancy agreement setting out the Landlord’s name and address for service and that it only had photos of the tenancy agreement that cannot now be located. The Tenant states that the Landlord was not served with anything from the Tenant.

The Act provides the following requirements for service of the Application

- 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;
- (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 documents*].

As the Tenant did not serve the Landlord I find that the required service of the Materials was not accomplished in accordance with the Act and I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

Section 13(3) of the Act provides that within 21 days after a landlord and tenant enter into a tenancy agreement, the landlord must give the tenant a copy of the agreement. Section 13(2)(e) of the Act provides that a tenancy agreement must set out the address for service and telephone number of the landlord or the landlord's agent. I set the above sections out for the benefit of both Parties.

This decision is made on authority delegated to me by the Director of the RTB under Section 9.1(1) of the Act.

Dated: April 26, 2019

Residential Tenancy Branch