



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI ERP MNDCT MNRT OLC RP RR

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to dispute an additional rent increase, to have the landlord make emergency repairs and repairs, to reduce rent for repairs, and order the landlord to comply with the Act.

Both parties appeared.

Preliminary and procedural matter

At the outset of the hearing the agent for the landlord indicated they were not served with the tenant's application for dispute resolution or the notice of hearing. The agent stated that they only became aware of this matter by the generic email sent to the parties by the Residential Tenancy Branch, they contact the branch, and they were provided the call in information.

The tenant stated they sent their application and notice of hearing by regular mail. The tenant then changed their testimony and indicated it was sent by register mail. The tenant asked what the difference is. The tenant could not provide the date the package was mailed or the Canada Post tracking number.

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;

...

In this case, I am not satisfied that the tenant has complied with section 89 of the Act. The tenant's testimony was conflicting as they indicated that the hearing package was sent regular mail and then changed their testimony to state it was sent by registered mail. The tenant could not provide a date or tracking number for me to consider.

Based on the above, I am not satisfied that landlord was served in accordance with section 89 of the Act. Therefore, I dismiss the tenant's application 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: April 09, 2019

Residential Tenancy Branch