



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, LAT, LRE, OLC, PSF, RR

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property, for authorization to change the locks, to restrict or suspend the Landlord’s right to enter, for an Order for the Landlord to comply with the *Act*, *Residential Tenancy Regulation* and/or tenancy agreement, for an order for services or facilities to be provided, and for a reduction in rent for services, facilities or repairs agreed upon but not provided.

The Tenant and an agent for the Tenant were present for the teleconference hearing while no one called in for the Landlord. The Tenant and agent were affirmed to be truthful in their testimony and stated that they served the Landlord with the Notice of Dispute Resolution Proceeding package by posting the package on the Landlord’s door.

The Tenant was unsure of the date the package was posted on the door but stated that it was likely on March 18, 2019. As stated by Rule 3.5 of the *Rules of Procedure*, an applicant must be prepared to provide proof of service at the hearing. The Tenant and agent were unable to reference any documents in the Tenant’s evidence package that would confirm service to the Landlord. As the Landlord did not attend the hearing or submit any evidence prior to the hearing, I am not satisfied that the Landlord was served with the Notice of Dispute Resolution Proceeding package as required by rule 3.1 of the *Residential Tenancy Branch Rules of Procedure*.

I also note that service of an Application for Dispute Resolution must be completed in accordance with Section 89(1) of the *Act*, with the exception of an application that falls under Section 89(2) of the *Act*. Section 89(1) does not include service by posting on the door. Therefore, as I am not satisfied that the Landlord was served with notice of the

hearing and the method of service as stated by the Tenant does not comply with Section 89(1) of the *Act*, the hearing did not continue.

The Tenant's Application for Dispute Resolution is dismissed, with leave to reapply.

### Conclusion

Due to a service issue, the Tenant's Application for Dispute Resolution is dismissed, with leave to reapply. This does not extend any applicable time limits under the *Act*.

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: May 10, 2019

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Residential Tenancy Branch