



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 an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing was sent by regular mail in March 2019. The tenant was unsure of the exact date.

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;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e)

In this case, I find the tenant did not served the landlord in accordance with section 89 of the Act. Regular mail is not an approved method of service for an application for dispute resolution. Therefore, I dismiss the tenant's application with leave to reapply. This does not extend any statutory time limits.

In normally circumstances when the tenant's application to cancel a notice to end tenancy is dismissed, the landlord is entitled to an order of possession pursuant to section 55 of the Act. However, in this case, the landlord did not sign the document and I have no way to determine if the party who issued the notice to end tenancy was authorized by the landlord to do so. I make no findings on the validity of the notice to end tenancy.

Conclusion

The tenant's application is dismissed with leave to reapply. This does not extend any statutory 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 1, 2019

Residential Tenancy Branch