



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction and Preliminary Matter

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act.

The landlord and his representative attended; the tenants did not attend the telephone conference call hearing.

In response to my inquiry, the landlord informed me that they served the tenants their application and notice of hearing by attaching the documents to the tenants' door or other conspicuous place on June 18, 2019. The landlord further explained in their proof of service of their application and notice of hearing that the documents were put in the mailbox outside the gate. In explanation, the landlord said that the tenants had a locked mailbox and the documents were placed in a slot.

### Analysis and Conclusion

Section 89(2) of the Act requires that an application for dispute resolution be served upon the respondent (the tenants in this case) by leaving a copy with the person, by sending a copy by registered mail to the address at which the person resides, by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant, or by attaching a copy to a door or other conspicuous place at the address at which the tenant resides.

In the case before me I find that the landlord failed to provide sufficient evidence that they served their application in a manner complying with the Act as placing the documents in a mailbox outside the gate is not attaching them to the door. Further,

Residential Tenancy Policy Guideline 12 states that a conspicuous place is “one that is clearly visible and likely to attract notice or attention”.

I therefore find the landlord submitted insufficient evidence that they served the tenant his application for dispute resolution and notice of this hearing in a manner required by the Act.

Both parties have a right to a fair hearing and the tenants would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application as required by the Act.

I therefore dismiss the landlord’s application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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: June 25, 2019

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Residential Tenancy Branch