



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MA CEDERPLACE
PROPERTIES and [tenant name suppressed to
protect privacy]

DECISION

Dispute Codes OLC

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on June 5, 2019, (the "Application"). The Tenants applied for an order that the Landlord comply with the regulations, tenancy agreement or the *Act*, pursuant to the *Residential Tenancy Act* (the "*Act*").

The hearing was scheduled for 11:00 A.M. on July 25, 2019 as a teleconference hearing. The Tenants appeared and provided affirmed testimony. No one appeared for the Landlord. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenants and I were the only persons who had called into this teleconference.

Preliminary Matters - Service

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution,...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 document]...*

At the start of the hearing, the Tenants testified that they served the Notice of Hearing package to the Landlord by registered mail on June 16, 2019. The Tenants stated that the package was later returned to the as it had been unclaimed. The Tenants confirmed that they sent the Notice of Hearing packaged to an address which was not listed as the Landlord's address for service as indicated on the tenancy agreement. I find that the Tenants have not served the Landlord in a manner required by section 89(1) of the *Act*. As such, I dismiss the Tenants' Application with leave to reapply.

Conclusion

The Tenants did not properly serve the Landlord in accordance with the *Act*. I dismiss the Tenants' Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to 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: July 25, 2019

Residential Tenancy Branch