



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding INTERLINK (2008) REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "*Act*") for an order for a reduction in rent pursuant to sections 32 and 62.

Preliminary Issue – Service of the Application for Dispute Resolution Proceedings

The tenant CC attended the hearing ("tenant"), the landlord did not. The tenant testified she served the Application for Dispute Resolution Proceedings Package by registered mail. She does not recall the date she sent it, nor does she have the tracking number to prove it was sent.

The application for dispute resolution must be served in accordance with section 89(1) of the *Act* (reproduced below).

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) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Residential Tenancy Branch Rules of Procedure 3.5 indicates:

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the *Act* and these Rules of Procedure.

Policy Guideline PG-12 [Service Provisions] provides that Proof of service by Registered Mail should include the original Canada Post Registered Mail receipt containing the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord at the time of service as well as a copy of the printed tracking report.

Given that the tenant was unable to remember when the Application for Dispute Resolution Package was sent or provide a Canada Post tracking number or Registered mail receipt, I am not satisfied the landlord has been served. Consequently, I dismiss the tenant's application with leave to reapply.

Conclusion

The tenant's claim is dismissed 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: August 15, 2019

Residential Tenancy Branch