



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M RP

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on June 26, 2019 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act").

- an order cancelling a Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of the Rental Unit (the "Four Month Notice"); and
- an order that the Landlord make repairs to the rental unit.

The Tenant attended the hearing at the appointed date and time, and provided affirmed testimony. The Landlord did not attend the hearing.

The Tenant testified that she served the Landlord with the Application package by leaving a copy attached to the Landlord's door. However, section 89 of the *Act* confirms this is not a valid method of service of these documents. I find the Application package was not served in accordance with the *Act*. Therefore, the Tenant's request for an order cancelling the Four Month Notice is dismissed, without leave to reapply. However, as the Landlord did not attend and neither party submitted a copy of the Four Month Notice into evidence, I decline to grant an order of possession to the Landlord in accordance with sections 55(1) and 52 of the *Act*. The Tenant remains at liberty to re-apply for an order that the Landlord make repairs to the rental unit pursuant to section 32 of 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 16, 2019

Residential Tenancy Branch