



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDCT RP RR

Introduction and Preliminary Matters

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenant seeking remedy under the *Residential Tenancy Act* (“Act”) to cancel a 1 Month Notice to End Tenancy for Cause dated August 19, 2019 (“1 Month Notice”), for a rent reduction, for a monetary claim of \$4,300.00 for compensation for damage or loss under the Act, regulation or tenancy agreement, for regular repairs to the unit, site or property, and to recover the cost of the filing fee.

The tenant and a witness for the tenant KU (“witness”) attended the teleconference hearing. The tenant was affirmed and the hearing process was explained to the tenant. The tenant testified that the landlord was served with the Notice of Dispute Resolution Proceeding (“Notice of Hearing”) on August 27, 2019 by personal service by placing the Notice of Hearing in the landlord’s mailbox. Section 89(1) of the Act does not provide placing the Notice of Hearing in the mailbox of the landlord as an approved method of service and as a result, I find the landlord was not sufficiently served in accordance with the Act.

In addition, the tenant testified that they were evicted by the landlord about one week prior to the hearing based on an order of possession granted in a previous decision. The file number of the previous decision has been included on the cover page of this decision for ease of reference and relates to a landlord’s application made through the Direct Request process.

As a result of the service issue described above, I dismiss the tenant’s application with leave to reapply, except for the tenant’s application to cancel the 1 Month Notice, which I find is now moot, as the tenant has vacated the rental unit.

In addition to the above, the tenant confirmed the email addresses for the parties at the outset of the hearing. The tenant confirmed their understanding that the decision will be emailed to both parties.

Analysis and Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue, with the exception of the tenant's application to cancel the 1 Month Notice, which I find is now moot as the tenant has vacated the rental unit.

This decision does not extend any applicable time limits under the *Act*.

This decision will be emailed to the parties at the email addresses provided by the tenant in their application.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: October 21, 2019

Residential Tenancy Branch