



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

This hearing was convened in response to an application by the Tenants for an order that the Landlord comply pursuant to section 62 of the *Residential Tenancy Act* (the “Act”).

The Landlord did not appear at the Hearing. The Tenants state that the application for dispute resolution, notice of hearing and all evidence (the “Materials”) were served on the Landlord by sending the Materials regular mail to the Landlord.

Section 89(1) of the Act provides that an application for dispute resolution 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*].

As the Tenants served the Materials by regular mail, I cannot find that service of the application for dispute resolution has been accomplished in accordance with the Act. I

therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: February 03, 2020

Residential Tenancy Branch