



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALKABOUT HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC OLC FFT

Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) to cancel a 1 Month Notice to End Tenancy for Cause dated December 20, 2019 (1 Month Notice), for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

An agent for the tenant KW (agent) attended the teleconference hearing. The landlord did not attend the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding dated December 24, 2019 (Notice of Hearing), application and documentary evidence were considered. The tenant was affirmed and testified that they did not have a registered mail tracking number to provide and was unable to provide documentary evidence or testimony to support that the Notice of Hearing was served by registered mail.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of Hearing and application. Section 90 of the Act does not allow for the service of the Notice of Hearing by regular mail, it must be by registered mail. Therefore, **I dismiss** the tenants' application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing and application in a manner provided for under the Act. I note this decision does not extend any applicable time limits under the Act.

I do not grant an order of possession as the hearing did not proceed due to a service issue.

I do not grant the filing fee as a result of the service issue.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

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

The filing fee is not granted as noted above.

An order of possession is not granted as noted above.

This decision will be emailed to the tenants and sent by regular mail to the landlord, as the tenants did not provide an email address for the landlord.

This decision is final and binding on the parties, unless 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: February 27, 2020

Residential Tenancy Branch