



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NU STREAM REALTY INC and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, LRE

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70.

The landlord did not attend this hearing, which lasted approximately 6 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Tenant's Application

The stated that she served the landlord with the tenant's application for dispute resolution hearing package by text message on March 11, 2020.

Section 89(1) of the *Act* outlines the methods of service for an application for dispute resolution, which reads in part as follows (my emphasis added):

89 (1) An application for dispute resolution ..., 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].

Accordingly, I find that the tenant failed to properly serve her application to the landlord, in accordance with section 89 of the *Act*. Text message is not a valid method of service pursuant to section 89 of the *Act*. I find that the landlord was not served with the tenant's application. The landlord did not appear at this hearing to confirm service of the tenant's application.

I notified the tenant that her application was dismissed with leave to reapply. I notified her that she would be required to file a new application, pay a new filing fee, and provide proof of service as per section 89 of the *Act*, at the next hearing, if she wished to pursue this matter further. The tenant confirmed her understanding of same.

Conclusion

The tenant's entire application is dismissed with leave to reapply.

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: May 05, 2020

Residential Tenancy Branch