



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M

Introduction

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

- cancellation of the landlord's 4 Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, dated January 20, 2020 ("4 Month Notice"), pursuant to section 49(6).

The landlord did not attend this hearing, which lasted approximately 9 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.

The tenant testified that the landlord was served with the tenant's application for dispute resolution hearing package by way of leaving a copy in the landlord's mail slot. The tenant submitted a video and photograph showing the above service. She could not recall the date of service, claiming it was sometime around April 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 did not properly serve the landlord with the tenant's application, as required by section 89 of the *Act*. The tenant did not provide a date of service. The tenant left a copy in the landlord's mail slot, which is not an approved method of service, pursuant to section 89 of the *Act*.

I notified the tenant that her application was dismissed with leave to reapply. I informed her that she would be required to file a new application and pay a new filing fee, if she wishes to pursue this application further. I informed her that she would be required to provide proof of service, including the date and method of service, at the next hearing.

I informed the tenant that she could obtain information only, not legal advice, from an information officer at the Residential Tenancy Branch, if she requires assistance. I notified her that she could hire a lawyer for legal advice. I informed her that she could contact a tenant advocacy group to obtain assistance with tenancy issues.

I cautioned the tenant to file her application as soon as possible, due to limitation dates related to disputing a 4 Month Notice. I notified her that she could provide a copy of my decision to the next Arbitrator at a new, future hearing.

Conclusion

The tenant's 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 04, 2020

Residential Tenancy Branch