



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-FFL

This matter was set for a conference call hearing at 1:30 p.m. on this date. The landlord participated in the hearing, the tenant did not. EC testified that she sent the Notice of Hearing package and Application by regular mail to the shared address as the parties share a community mailbox. The landlord is the only person with the key to open the mailbox. The landlord picked up the mail and then left the package outside of the tenant's suite. The landlord did not provide a copy of the post marked letter, a witness to verify the date and time of mailing and receiving the package or a proof of service document. The landlord was unable to satisfy me that the tenant had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the landlord's application with leave to reapply.

Leave to reapply 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 *Residential Tenancy Act*.

Dated: September 18, 2020

Residential Tenancy Branch