



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, DRI, OLC, LRE, LAT, MNDC

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling a One Month Notice to End Tenancy for Cause (Notice);
- to dispute a rent increase that is above the amount allowed by law;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement;
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- authorization to change the locks to the rental unit; and
- compensation for a monetary loss or other money owed.

The tenant attended the hearing; however, the landlords did not attend.

The tenant stated she served the landlords with her application for dispute resolution and Notice of Hearing by registered mail on August 19, 2020. The tenant provided a single number for service on both landlords; however, that number did not appear to be a Canada Post tracking number. The tenant additionally provided two other numbers; however, those numbers also did not appear to be Canada Post tracking numbers. A search of the Canada Post website to determine the tracking status of the packages showed no recognition of the numbers provided.

The tenant also did not provide a copy of any other proof of service of her Application for Dispute Resolution, evidence, and Notice of Hearing for me to review.

Additionally, the tenant submitted that she has now vacated the rental unit.

Analysis and Conclusion

Section 89(1) of the Act indicates the ways in which an application for dispute resolution must be given, such as in the case of the tenant's application:

- (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*].

[My emphasis added]

In the case before me I find that the tenant failed to provide sufficient evidence that she served her application to the landlords. The numbers she provided at the hearing were not recognized by the Canada Post tracking system for registered mail.

I therefore find the tenant submitted insufficient evidence that she served the landlords her application for dispute resolution and notice of this hearing in a manner required by the Act.

As a result, I dismiss the portion of the tenant's application seeking an order cancelling the Notice, disputing a rent increase, an order suspending or setting conditions on the landlord's right to enter the rental unit, authorization to change the locks to the rental unit, and an order requiring the landlord to comply with the Act, regulations, or tenancy agreement. These requests are in contemplation of a tenancy that is continuing and as the tenancy had now ended, the dismissal is without leave to reapply.

As to the tenant's request for monetary compensation, I dismiss that request, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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 28, 2020

Residential Tenancy Branch