



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC, MNDCT, RR, PSF, AAT, FFT

### Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking the following relief:

- an order cancelling a notice to end the tenancy for cause;
- an order that the landlords comply with the *Residential Tenancy Act*, regulation or tenancy agreement;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement;
- an order reducing rent for repairs, services or facilities agreed upon but not provided;
- an order that the landlords provide services or facilities required by the tenancy agreement or the law;
- an order that the landlords allow access to the rental unit for the tenant or the tenant's guests; and
- to recover the filing fee from the landlords for the cost of the application.

Both tenants and both landlords attended the hearing, during which the parties agreed that the Application should be amended to correct the spelling of the surname of one of the landlords, and the frontal page of this Decision reflects that amendment.

One of the landlords indicated that the tenants have not served the Hearing Package to the landlords. The tenants advised that the landlords were individually served with the Hearing Package by leaving one at the landlords' gate which contained 3 No Trespassing signs, and the other by posting it to the door of the other landlord's home.

One of the landlords indicated that the tenants were served with the landlords' evidentiary material by posting it to the door of the rental unit on December 27, 2020, which is disputed by the tenants.

The *Residential Tenancy Act* requires an applicant to serve the hearing package in one of the following ways:

**Special rules for certain documents**

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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*].

Since the tenants have not served the landlords by any of the above methods, I must dismiss the tenants' application.

The landlord advised that he seeks an Order of Possession under Sections 55 and 56 of the *Act*, and the landlords are at liberty to make whatever application they deem appropriate.

I attempted to assist the parties with settling the dispute, during which I heard some disturbing allegations, and considering that the tenants' application must be dismissed, I declined to consider any evidentiary material.

The landlord also indicated that the landlords have applied by way of the Direct Request process for an Order of Possession, which has not yet been processed and the Decision is pending.

In the circumstances, I found it appropriate to dismiss the tenants' application with leave to reapply.

I have made no findings of fact or law with respect to any of the applications before me.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety 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: January 07, 2021

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Residential Tenancy Branch