



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR, OLC, RP, LRE, PSF, CNE**

Introduction

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

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 46;
- an order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62;
- an order that the landlord make repairs to the rental unit pursuant to section 33;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order to the landlord to provide services or facilities required by law pursuant to section 65; and
- cancellation of the landlord's 1 Month Notice to End Tenancy for End of Employment (the 1 Month Notice) pursuant to section 47.

The landlord did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The tenant CL attended (the "tenant") and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant testified that they served the landlord with the notice of application and evidence by dropping it off at a business address where the named respondent is employed. The address is not the address provided on the tenancy agreement as the address for service nor is it an address provided on the Notices to End Tenancy as an address for service.

Analysis

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

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 document]...*

I note that the tenant has identified a personal respondent as the landlord despite the Notices to End Tenancy identifying the personal respondent as an agent of a corporate entity.

I find that the tenant has provided insufficient evidence in support of their position that they have served the landlord with the application and evidence. Leaving a copy at the place of work of a named respondent is not a valid method of service provided under the *Act*. Furthermore, I find that the business address that the tenant says they left their materials at is not an address provided in any of the documentary materials as a valid address for service.

I find the tenant's testimony that the individual who accepted the materials said they would give them to the landlord to have no documentary materials in support and be insufficient to establish that they served an agent of either a personal or corporate landlord. Based on the evidence I am not satisfied that the tenant served either the named respondent or the corporate entity identified as the landlord on the Notices to End Tenancy in accordance with the *Act* or at all.

Consequently, I dismiss the tenants' application with leave to reapply.

Conclusion

The application is dismissed in its entirety 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: January 8, 2021

Residential Tenancy Branch