



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, RP

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking more time than prescribed to dispute a notice to end the tenancy given by the landlord; an order cancelling a notice to end the tenancy for unpaid rent or utilities; and for an order that the landlord make repairs to the rental unit or property.

One of the tenants attended the hearing and represented the other tenant. An agent for the landlord company also attended the hearing with a witness.

The landlord's agent submitted that the tenants have not served the landlord with the Application for Dispute Resolution, Notice of this hearing or evidentiary material. The landlord called the Residential Tenancy Branch to enquire about whether or not the tenants had disputed a notice to end the tenancy, and the landlord learned of this hearing by the Residential Tenancy Branch. The tenant indicated at first that an agent of the landlord was personally served, however also indicated that the Hearing Package was placed under the door of the landlord on November 5, 2020.

The *Residential Tenancy Act* states that service of a hearing package can only be served on a respondent in certain ways:

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*].

Leaving a copy of the documents with an agent of the landlord does not include putting it under the door of the landlord's office, and placing the Hearing Package under a door is not sufficient service. Therefore, I dismiss the tenants' application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter, and I make no orders with respect to extending any time limits.

Conclusion

For the reasons set out above, the tenants' application is hereby 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: January 18, 2021

Residential Tenancy Branch