



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Yaffa Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

PSF, RP, RR, LAT, OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing was held on April 26, 2021. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act"):

The Tenant attended the hearing and provided affirmed testimony. The Landlord also attended the hearing and provided affirmed testimony. The Tenant stated he sent his Notice of Dispute Resolution and evidence to the Landlord by registered mail. The Tenant was not able to explain when this was sent, or what address it was sent to. The Tenant stated he had registered mail tracking information. However, he was unable to direct me to where this information was in his evidence, and he was also unable to provide any tracking numbers for the mail. The Landlord denies getting any Notice of Dispute Resolution package, or evidence.

I find the Tenant has failed to sufficiently demonstrate that he sent the Notice of Dispute Resolution via registered mail, as he stated he did.

Further, the Tenant stated he emailed the Landlord with a copy of the Notice of Dispute Resolution. However, he was unable to provide or point to any corroborative evidence this package was sent, via email. The Tenant was not able to explain what was included in his email to the Landlord, or when it was sent. The Landlord stated he did not receive any Notice of Dispute Resolution package from the Tenant via email, and has only received emails from the Tenant complaining about a variety of issues.

As stated in the hearing, I find the Tenant has failed to sufficiently serve the Landlord with his Notice of Dispute Resolution and his evidence, either by registered mail or email. The Landlord stated the only documentation he received was the reminder

emails sent by the RTB in relation to this hearing, and he stated he was not properly served or put on notice as to what the issues were for the hearing today.

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].

Ultimately, I find the Tenant has failed to serve the Landlord with his Notice of Hearing and application in accordance with section 89 of the Act. There is also insufficient evidence the Tenant served the Landlord with the required documents via email.

Since the Tenant has failed to sufficiently serve his application, I dismiss his application, with leave to reapply.

Conclusion

The Tenant's application is 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: April 26, 2021

Residential Tenancy Branch