



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, OLC, LRE, LAT, FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning an application made by the tenant seeking orders cancelling notices to end the tenancy for unpaid rent or utilities and notices to end the tenancy for cause, as well as an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement; an order limiting or setting conditions on the landlord's right to enter the rental unit; an order permitting the tenant to change the locks to the rental unit; and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing, however the line remained open while the telephone system was monitored for 15 minutes and no one for the landlord joined the call.

The tenant advised that the landlord was served with the application and notice of this hearing (the Hearing Package) by posting copies to the door of the landlord's residence. The *Residential Tenancy Act* specifies that Hearing Packages, which include the application and notice of hearing must be served in one of the following 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*];

(f) by any other means of service provided for in the regulations.

The regulations specify that:

43 (2) For the purposes of section 89 (1) (f) [*special rules for certain documents*] of the Act, the documents described in section 89 (1) of the Act may be given to a person by emailing a copy to an email address provided as an address for service by the person.

Posting the documents to the door of the landlord's home or place of business is not sufficient service. Since the landlord has not attended the hearing, and the tenant has not provided evidence of having served the landlord in accordance with the law, I dismiss the tenant's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this application.

Conclusion

For the reasons set out above, the tenant's 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: June 21, 2021

Residential Tenancy Branch