



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on March 26, 2021 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a 10 Day Notice for unpaid rent or utilities.

The hearing was scheduled for 11:00 AM on July 13, 2021 as a teleconference hearing. Only the Tenant and the Tenant's Counsel S.M. attended the hearing at the appointed date and time. No one called in for the Landlord. The conference call line remained open and was monitored for 10 minutes before the call ended.

At the start of the hearing, the Tenant stated that she did not serve the Landlord a copy of the Notice of Hearing. As such, the Landlord was not notified about the hearing.

### Analysis – Service of Landlord's Application

Section 89 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]...*

The Tenant has not served the Landlord in a manner required by section 89(1) of the *Act*. As such, the Tenant's Application is dismissed with leave to reapply. Leave to reapply does not extend any statutory timeline.

### Conclusion

The Tenant has not served the Application to the Landlord. I dismiss the Tenant's Application 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: July 13, 2021

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Residential Tenancy Branch