



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes PSF, MNDCT, LRE, OLC, MNRT, FFT

This matter was set for a conference call hearing at 11:00 am. on this date. The tenant participated in the hearing, the landlord did not. The tenant testified that she served the Notice of Hearing Documents to the landlord on April 30, 2021 by leaving it on a table by the landlords sliding glass door, while the landlord had her arms crossed and watched from the other side. However, the tenant provided a written witness statement from AR as part of her documentation that states on April 10, 2021 they served the landlord by taping the Notice of Hearing and Application to the landlords sliding door while she watched from the other side.

Section 89 of the Act addresses the issue before me as follows:

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*];
- (f)by any other means of service provided for in the regulations.

Based on the above, I find that the tenant provided conflicting evidence about dates of service that could not be relied on and more importantly, did not serve landlord in any of the ways allowed under section 89 of the Act, accordingly; I dismiss the tenants application 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: July 26, 2021

Residential Tenancy Branch