



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SCHELL MOTEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, CNR, OLC, MNDCT, LRE, PSF, MNRT, DRI, OT, LAT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on July 2, 2021 (the "Application"). The Tenants 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;
- an order to cancel a One Month Notice to End Tenancy for Cause;
- an order restricting the Landlord right to enter the rental unit;
- a monetary order for emergency repairs;
- to dispute a rent increase;
- an order to provide services or facilities required by tenancy agreement or law;
- an order that the Landlords comply with the Act, tenancy agreement or Regulations; and
- a monetary order for damage or compensation;

The Tenants and the Landlord's Agent M.B. attended the hearing at the appointed date and time. At the start of the hearing, the parties testified and agreed that the tenancy has since ended. As such, I find that the Tenants' claims for; an order to cancel a 10 Day Notice for Unpaid Rent or Utilities, an order to cancel a One Month Notice to End Tenancy for Cause, an order restricting the Landlord right to enter the rental unit, an order to provide services or facilities required by tenancy agreement or law, and an order that the Landlords comply with the Act, tenancy agreement or Regulations are now moot. As such, I dismiss these claims WITHOUT leave to reapply.

The hearing continued based on the Tenants' monetary claims outlined in their Application. The Tenants stated that they served the Notice of Hearing to the Landlord by Canada Post Registered Mail. The Tenants were unsure as to when they sent the Notice of Hearing, and were unable to produce the tracking information at the time of the hearing.

The Landlord's Agent stated that they did not receive the Notice of Hearing, and that they only obtained the hearing information from the Residential Tenancy Branch days before the hearing and was unable to prepare for the hearing.

Preliminary Matters

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]...

I find the Tenants have provided insufficient evidence to demonstrate that they have served the Landlord in a manner required by section 89(1) of the *Act*. As such, I dismiss the Tenants' Application WITH leave to reapply. Leave to reapply does not extend any statutory timelines.

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: November 01, 2021

Residential Tenancy Branch