



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MacLean Park Site BC Housing  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC

### Introduction

This hearing dealt with the tenant's application pursuant to section 62 of the *Residential Tenancy Act* (the "Act") for an order requiring the landlord to comply with the Act, regulation or tenancy agreement.

The landlord did not attend this hearing which lasted approximately 20 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The tenant was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant testified that they served the landlord with the notice of hearing and evidence by hand to the tenant. The tenant could not recall the date that they served the landlord and claimed that it was a hand-written notice.

### Analysis

Section 89(1) 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 there is insufficient evidence to demonstrate that the landlord was served with the tenant's application, notice of hearing and evidence as required under the *Act*. While leaving a copy with an agent of the landlord is a permitted method of service, the tenant was unable to confirm the date of service, did not submit a signed Proof of Service form and made reference to the fact that it was a handwritten note rather than the hearing package provided by the Branch.

Based on the evidence I am not satisfied that the landlord has been properly served in accordance with the *Act*. Consequently, I dismiss the tenant's application with leave to reapply.

I make no determination on the merits of the underlying application.

If the tenant has questions regarding the requirements for service or any procedural issues, they are at liberty to contact the Information Services line of the Residential Tenancy Branch. I also note that there are tenant advocacy resources available and the tenant may phone 211 for a referral to an appropriate resource if they wish.

### Conclusion

The 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: March 10, 2022

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Residential Tenancy Branch