



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, RP, RR, LRE, CNE, LAT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on January 11, 2022 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
- an order that the Landlord comply with the Act;
- an order for regular repairs;
- an order granting a rent reduction;
- an order restricting or suspending the Landlord's right to enter;
- an order cancelling a One Month Notice to End of Employment; and
- an order permitting the Tenant to change the locks of the rental unit.

This matter was set for hearing by telephone conference call at 9:30 A.M. (Pacific Time) on April 11, 2022. Only the Tenant attended the hearing at 9:36AM. The line remained open while the phone system was monitored for 17 minutes and no one called into the hearing during this time for the Landlord.

At the start of the hearing, the Tenant stated that he served the Landlord with the Notice of Hearing by posting it to the Landlord's door. The Tenant could not recall what date the service took place.

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]...*

The Tenant has not served the Landlord in a manner required by section 89(1) of the *Act*. I am not satisfied that the Landlord was properly served with the Tenant's Application for dispute resolution. As such, I dismiss the Tenant's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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: April 11, 2022

Residential Tenancy Branch