



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for an order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62.

The tenant attended at the date and time set for the hearing of this matter and the landlord did not. I asked the tenant whether he served the landlord with the Notice of Dispute Resolution Proceedings Package and the tenant testified that he failed to do so.

Analysis

Section 89 of the Act states:

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.

The tenant did not comply with section 89 of the Act and serve the landlord with the application for dispute resolution by any of the methods described above. As such, this hearing could not proceed since the landlord was unaware of the hearing. Consequently, I dismiss the tenant's application with leave to reapply.

Conclusion

This 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: July 28, 2022

Residential Tenancy Branch