



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, PSF, MNDCT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 1, 2022 ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65; and
- a monetary order of \$175.00 for compensation under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67.

The landlord and "tenant MW" did not attend this hearing, which lasted approximately 11 minutes. Tenant JM ("tenant") and the tenants' agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 11:00 a.m. and ended at 11:11 a.m. I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant, the tenants' agent, and I were the only people who called into this teleconference.

The tenant and the tenants' agent confirmed their names and spelling.

The tenant provided the rental unit address. He provided his email address for me to send this decision to both tenants after the hearing. He confirmed that he had permission to represent tenant MW, the other tenant named in this application

(collectively “tenants”). He stated that his agent had permission to speak on behalf of both tenants at this hearing.

The tenants’ agent confirmed that she was the tenant’s social worker and that she was representing the tenants as an agent at this hearing.

Rule 6.11 of the Residential Tenancy Branch (“RTB”) *Rules of Procedure* does not permit recording of this hearing by any party. At the outset of this hearing, the tenant and the tenants’ agent both separately affirmed, under oath, that they would not record this hearing.

I explained the hearing process to the tenant and the tenants’ agent. They had an opportunity to ask questions, which I answered. They did not make any adjournment or accommodation requests.

#### Preliminary Issue – Service of Tenants’ Application

The tenants’ agent stated that the landlord was served with the tenants’ application for dispute resolution hearing package on March 24, 2022, by registered mail. She said that the tenants could not provide a Canada Post tracking number during this hearing.

Residential Tenancy Policy Guideline 12 states the following, in part (emphasis added):

*Registered mail includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a **named person** is available.*

*Proof of service by Registered Mail should include the original Canada Post Registered Mail **receipt containing the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord** at the time of service as well as a **copy of the printed tracking report**.*

I find that the landlord was not served with the tenants’ application, as required by sections 59 and 89 of the *Act* and Rule 3.1 of the RTB *Rules*. The tenants did not provide a Canada Post receipt, tracking number, or tracking report with their application evidence. Neither the tenant nor the tenants’ agent provided a Canada Post tracking number verbally during this hearing, even though they were provided with ample and additional time during this hearing to search for it.

Accordingly, the tenants' entire application is dismissed with leave to reapply. I informed the tenant and the tenants' agent of my decision verbally during this hearing. I notified them that the tenants could file a new application, pay a filing fee, and pursue this claim in the future, if they want to do so. I cautioned them about limitation dates to dispute the 10 Day Notice, as per section 46 of the *Act*. They both confirmed their understanding of same.

### Conclusion

The tenants' entire 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 04, 2022

---

Residential Tenancy Branch