



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc
and [tenant name suppressed to protect privacy]

DECISION

This hearing was convened in response to an application by the Landlord for an early end to the tenancy and an order of possession pursuant to section 56 of the *Residential Tenancy Act* (the “Act”). The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions.

The Tenant states that they did not receive the Landlord’s video evidence referred to in the Landlord’s application materials. The Tenant states that they require a copy of this video in order to prepare their response. The Landlord states that after being informed by the Tenant that no video was in the package, the Landlord gave the Tenant a flash drive of the video on November 17, 2022 by placing the flash drive under the Tenant’s door. The Tenant states that no video was received by the Tenant. The Tenant is not prepared to proceed with the hearing for this reason. The Landlord seeks an adjournment to provide a copy of the video to the Tenant. The Tenant objects to an adjournment as the matter is very stressful on the Tenant’s health.

Section 88 of the Act provides that all documents, other than those referred to in section 89 [*special rules for certain documents*], that are required or permitted under this Act to be given to or served on a person must be given or served 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 ordinary mail or 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 ordinary mail or registered mail to a forwarding address provided by the tenant;
- (e)by leaving a copy at the person's residence with an adult who apparently resides with the person;
- (f)by leaving a copy in a mailbox or mail slot for the address at which the person resides or, if the person is a landlord, for the address at which the person carries on business as a landlord;
- (g)by attaching a copy to a door or other conspicuous place at the address at which the person resides or, if the person is a landlord, at the address at which the person carries on business as a landlord;
- (h)by transmitting a copy to a fax number provided as an address for service by the person to be served;
- (i)as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];
- (j)by any other means of service provided for in the regulations.

Rule 3.2 of the Rules of Procedure provides that when a landlord is seeking an early end to the tenancy that all evidence to be relied on by a landlord must be served on the Respondent.

Given the Landlord's evidence of having placed the video evidence under the Tenant's door, I find that the Landlord did not serve the evidence as allowed under the Act. I accept the Tenant's evidence that the Tenant did not receive the video. I therefore dismiss the application 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 Act.

Dated: November 24, 2022

Residential Tenancy Branch