



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNR, MNRT, DRI  
                             OPR-DR, MNR-DR, FFL

### Introduction

This hearing was scheduled to convene at 11:00 a.m. on February 23, 2024 concerning applications made by the tenants and by the landlord.

The tenants have applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities; a monetary order for the cost of emergency repairs, and disputing a rent increase.

The landlord's amended application seeks an order of possession and a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenants for the cost of the application. The application was originally made by way of the Direct Request process which was referred to this participatory hearing.

The names of the tenants differ greatly in the applications. However, 2 tenants and an agent for another tenant attended the hearing. The landlord was represented by Legal Counsel who acted as agent for the landlord.

At the commencement of the hearing, I learned that the tenants have not served the landlord with the Notice of Dispute Resolution Proceeding hearing package. The tenants filed the application on January 24, 2024 and received the documents to serve from the Residential Tenancy Branch on January 29, 2024.

I also learned that the landlord has not served the tenants individually, but served the tenants by attaching the Notice of Dispute Resolution Proceeding to the door of the rental unit after the amendment was filed, because no one would answer the door. The landlord's application was made on January 28, 2024 and was provided the documentation for service from the Residential Tenancy Branch on January 29, 2024. The landlord filed the amendment on February 11, 2024.

The *Residential Tenancy Act* specifies how a Notice of Dispute Resolution must be served:

**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) [\[Repealed 2023-47-98.\]](#)
- (f) by any other means of service provided for in the regulations.

(2) An application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) [\[Repealed 2023-47-98.\]](#)
- (f) by any other means of service provided for in the regulations.

The regulations specify that service by email is permitted, if the party receiving the documents has agreed in writing to service of legal documents by email.

The tenant's agent advised that there is evidence of paying the rent, but none has been provided to the Residential Tenancy Branch, or the automated system or to the landlord.

A party who makes an Application for Dispute Resolution must serve the other party with the Notice of Dispute Resolution hearing package within 3 days of making it. Since neither party has complied, I dismissed both applications with leave to reapply.

I have made no findings of fact or law with respect to the merits of either application.

### Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety with leave to reapply.

The landlord's application is hereby dismissed in its entirety 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: February 26, 2024

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Residential Tenancy Branch