



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding RELIANCE PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. on September 13, 2024 concerning an application made by the tenant seeking an order cancelling a One Month Notice to End Tenancy For Cause, and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing, however the line remained open while the telephone system was monitored for in excess of 10 minutes, and no one for the landlord joined the call.

The tenant submitted orally that the landlord was served with the Notice of Dispute Resolution Proceeding by regular mail and by email on August 20, 2024. The *Residential Tenancy Act* specifies how a Notice of Dispute Resolution must be served:

Special rules for certain records

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(e) [Repealed 2023-47-98.]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.

The regulations state that a party may be served by email if the party had previously agreed to service of legal documents to an email address. In this case, the tenant did not have an agreement with the landlord to serve legal documents by email, and I dismiss the tenant's application with leave to re-apply.

The tenant has also provided a copy of a One Month Notice to End Tenancy For Cause (the Notice), which is dated August 6, 2024 and contains an effective date of vacancy of September 30, 2024. Having dismissed the tenant's application with leave to reapply, and since the effective date has not yet passed, I grant the tenant more time to dispute the Notice by no later than September 30, 2024.

Since the tenant has not been successful with this application, the tenant is not entitled to recover the filing fee from the landlord.

Conclusion

For the reasons set out above, the tenant's application for an order cancelling a notice to end tenancy is hereby dismissed with leave to reapply.

I hereby grant the tenant more time, until September 30, 2024 to dispute the One Month Notice to End Tenancy For Cause.

The tenant's application for recovery of the filing fee from the landlord is hereby dismissed without 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: September 15, 2024

Residential Tenancy Branch