



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened by way of conference call in response to the tenant's application to cancel a Notice to End Tenancy for cause.

The tenant did not attend the hearing; however, the tenants advocate did attend on behalf of the tenant. The tenants advocate stated that the landlord was served by registered mail with a copy of the Application and Notice of Hearing. The tenants advocate was unable to provide tracking numbers for Canada Post to confirm that the hearing packages had been sent by registered mail and therefore proof service in accordance with s. 89 of the Act. The landlord did not attend the conference call.

**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;

As the tenant has not provide sufficient evidence to show that the landlord was served with the hearing documents in accordance with the section 89 of the *Act*, Consequently, I dismiss the tenant's 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 *Residential Tenancy Act*.

Dated: December 05, 2014

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Residential Tenancy Branch

