



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: CNL, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenant to cancel a notice to end tenancy for the Landlords' use of the property, and to recover the filing fee. The Tenant appeared for the hearing and provided affirmed testimony. However, there was no appearance for the Landlords for the 12 minute duration of the hearing. The Tenant testified that he provided a copy of his Application and the Notice of Hearing documents to a friend who then went to the Landlords' address and posted the documents to the Landlords' door as there was no answer.

Section 89(1) of the *Residential Tenancy Act* (the "Act") provides the methods in which an applicant may serve the respondent with notice of a hearing and the claim being brought against them. In this case, Section 89(1) of the Act does not provide a tenant with the option of serving documents for a hearing by posting them to the door. As there was no appearance by the Landlords or any submission of evidence prior to this hearing from any of the parties in this case, I declined to continue the proceedings as I am not satisfied that the service requirements have been met by the tenant and that the Landlords have been put on sufficient notice of this hearing.

Conclusion

The Tenants' Application is dismissed with leave to re-apply. However, this does not extend any applicable time limits under the Act and I have made no findings with respect to the merits of this Application. 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: June 15, 2016

Residential Tenancy Branch