



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COLUMBUS CHARITIES ASSOCIATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

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The tenants dispute an additional rent increase.

The tenants attended the hearing. A representative of the landlord did not attend the hearing. The male tenant testified that he understood that "Service Canada" had given notice to the landlord, but has not evidence of such service, and is unaware whether the landlord ever became of this hearing.

With respect to service provisions, the Residential Tenancy Act states in section 89 (1):

An application for dispute resolution ...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) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].

I believe the male tenant incorrectly assumed that the landlord would be automatically served with their application when they filed it at the government agent's office in Chilliwack. In fact, as a matter of course, "ServiceBC" (not Service Canada) would have provided a copy to the Residential Tenancy Office but not to the landlord. The responsibility to serve the landlord with the claim and notice of the hearing was the responsibility of the tenant. Service upon the landlord of these materials is not proven.

As the application has not been properly served upon the landlord by one of the required methods noted above, the application is dismissed for want of service, 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 14, 2017

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Residential Tenancy Branch