



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to hear a tenant's application to cancel a *2 Month Notice to End Tenancy for Landlord's Use of Property*. The tenant appeared and was assisted by another person at the hearing; however, there was no appearance on part of the landlord. Since the landlord did not appear, I proceeded to explore service of hearing documents upon the landlord.

The tenant testified that he sent hearing documents to the landlord via regular mail approximately 2 to 2.5 weeks before the hearing or around May 2, 2018.

Section 59 provides that an Application for Dispute Resolution must be served upon the other party within three days of making the Application for Dispute Resolution. This application was made on March 7, 2018 and the hearing package generated on March 8, 2018. Accordingly, the tenant should have sent his hearing package to the landlord by March 11, 2018.

Section 89 provides for the ways an Application for Dispute Resolution and other required documents must be served upon the respondent. Registered mail is a permissible method of service under section 89 but regular mail is not.

The Dispute Resolution Fact Sheet provides parties information with respect to serving an Application for Dispute Resolution and evidence upon the other party. The tenant acknowledged that the Dispute Resolution Fact Sheet was received from the Residential Tenancy Branch and reviewed by him and his assistant.

I find the tenant failed to comply with the requirements of section 59 and 89 of the Act and I declined to hear this case. The tenant's Application for Dispute Resolution is

dismissed with leave to reapply; however, this does not extend any applicable statutory time limit under the Act.

Since the landlord was not served properly with the hearing documents I did not admit or give further consideration to the tenant's documentary evidence. Accordingly, I am unable to determine whether the Notice to End Tenancy complies with the form and content requirements of section 52 of the Act. Therefore, I do not provide the landlord with an Order of Possession pursuant to section 55(1) of the Act.

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: May 23, 2018

Residential Tenancy Branch