



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, FFL, MNRL, OPR

### Introduction

On March 24, 2021 the Landlord submitted an Application for Dispute Resolution (the "Application"). On June 15, 2021 the Landlord amended the application seeking relief pursuant to the *Residential Tenancy Act* (the "Act") for the following:

- an order of possession for Cause;
- a monetary order for unpaid rent or utilities;
- an order of possession for unpaid rent; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 11:00 A.M. on July 8, 2021 as a teleconference hearing. The Landlord's Agents R.W. and R.Y. attended the hearing at the appointed date and time. No one appeared for the Tenant. The conference call line remained open and was monitored for 20 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Landlord's Agents and I were the only persons who had called into this teleconference.

At the start of the hearing, the Landlord's Agent R.W. stated that the Application for Dispute Resolution was served to the Tenant by posting it to the Tenant's door on March 26, 2021. R.W. stated that he had a witnessed proof of service.

### Analysis – Service of Landlord's Application

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

*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 document]...*

I find that the Landlord has not served the Tenant in a manner required by section 89(1) of the *Act*. I am not satisfied that the Tenant was properly served with the Landlord's Application for dispute resolution, amendment to the Application, or documentary evidence. As such, I dismiss the Landlord's Application in its entirety with leave to reapply.

The Landlord is at liberty to submit an Application online:

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/apply-online>

Or in person at a Service BC Office.

### Conclusion

I dismiss the Tenant's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to 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: July 08, 2021

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Residential Tenancy Branch