



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: CNC

Introduction

This hearing was convened upon the application of the tenant seeking to cancel a notice to end tenancy given for cause.

The tenant testified that she did not serve the landlord with her application and evidence. The landlord testified that he became aware of this application through a telephone conversation.

Analysis

The Act says an Application for Dispute Resolution must be served as set out in the Act. Both parties agree that the Application was not served in accordance with the Act. Where one or more parties on an application for arbitration has not been served, the arbitrator's Order will indicate this and will dismiss, or dismiss with leave to reapply, the application involving the party not served.

Findings

I find that the tenant's Application for Dispute Resolution was not served on the landlord.



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Conclusion

Having heard no evidence as to the merits of this application the tenant's application is dismissed with liberty to reapply. A leave to reapply is not an extension of any applicable limitation period.

Dated October 29, 2008.