



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC, FF, O

Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy, to recover the filing fee for this proceeding and for other considerations.

At the start of the conference call the Tenant said he did not serve the Landlord with the Application and Notice of Hearing (the “hearing package”) prior to the hearing. As the Tenant did not meet the service requirements of section 88 and 89 of the Act, the Landlord was not aware of the application or the hearing. I find that the Tenant did not meet the service requirements of the Act and therefore, I dismiss the Tenant’s application with leave to reapply.

Conclusion

The Tenant’s application is dismissed 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: January 12, 2011.

Residential Tenancy Branch