



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

Tenant's application: MT; CNR; OLC

Landlord's application: OPR; MNR; FF

### **Introduction**

This Hearing was convened to consider cross applications. The Tenant seeks more time to file an application to cancel a Notice to End Tenancy for Unpaid Rent (the "Notice"); to cancel the Notice; and for an Order that the Landlord comply with the Act, regulation or tenancy agreement.

The Landlord seeks an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Tenant gave affirmed testimony at the Hearing. The Tenant testified that he posted the Notice of Hearing documents to his door at the rental unit and watched the Landlord take them off the door.

Section 89(1) of the Act provides methods for service of Notice of Hearing documents. The Tenant did not serve the Landlord in accordance with the provisions of Section 89(1) of the Act, and therefore his application was dismissed with leave to reapply.

The Landlord's application was scheduled to be heard on July 21, 2011, at 1:30 p.m. The Tenant signed into the Hearing at 1:30 p.m. and was ready to proceed. By 1:42 p.m., the Landlord had not yet signed into the Hearing. Therefore the Landlord's application was dismissed without leave to reapply.

It is important to note that after I had dismissed the Landlord's application, at approximately 1:43 p.m., a person identifying himself as the Landlord's agent signed into the teleconference. I explained to the Landlord's agent that the Landlord's application had been dismissed and concluded the teleconference.

### **Conclusion**

The Tenant's application is dismissed with leave to reapply.

The Landlord's application is dismissed without 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: July 21, 2011.

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Residential Tenancy Branch