



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

DECISIONS AND REASONS

This hearing dealt with an application for Dispute Resolution by the tenant seeking to cancel a 1 Month Notice to End Tenancy.

The landlord did not appear at the hearing.

The tenant stated that he had not served the landlord with a copy of the Application and Notice of Hearing package and submitted that he was unaware that he was required to serve the Notice of Hearing to the landlord.

The purpose of serving documents such as the Application and Hearing Package under the Residential Tenancy Act (the "Act") is to notify the person being served of nature of the application against them and notification of their rights under the *Act* in response. The tenant has the burden to prove service of the Application and Hearing Package pursuant to section 89 of the Act.

Without being served in a manner conforming to the Act and the Residential Tenancy Branch Rules of Procedure, the landlord/respondent would easily have any Decision or Order made against him overturned upon Review.

Conclusion

As I have found the landlord has not been served with the Notice of Hearing and Application for Dispute Resolution, I **dismiss** the tenant's Application, **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: November 15, 2011.

Residential Tenancy Branch