Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNR

Introduction

This hearing was convened in response to an application filed by the tenant seeking to cancel a Notice to End Tenancy given for unpaid rent.

The tenant appeared at the hearing the landlord did not. The tenant gave evidence under oath that she served the landlord with her Application and Notice of this hearing by way of registered mail.

I note that in her Application for Dispute Resolution the tenant has listed the landlord's address for service as being in Vancouver BC. However the 10 day Notice to End Tenancy issued by the landlord submitted in evidence shows the same street address however states that this address is in XXXXX, BC not Vancouver, BC.

Given the discrepancies in the landlord's address and that the landlord has not appeared at this hearing, I find it is reasonable to conclude that the tenant registered mailed her Application and Notice of Hearing package to the landlord in Vancouver, BC not his real address in XXXXX, BC. As a result I find that he has therefore not had notice of this hearing.

I therefore dismiss the tenant's application with liberty to reapply. Liberty to reapply is not an extension of any applicable limitation period.

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: December 29, 2011.

_____
Residential Tenancy Branch