



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

### Dispute Codes:

CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant, filed on May 10, 2012 and amended on May 11, 2012 in which the applicant was requesting that a One-Month Notice to End Tenancy for Cause dated January 29, 2012 be cancelled. The tenant stated that this Notice was served on the tenant by the landlord on May 1, 2012.

### Preliminary Matter

The tenant testified that the landlord was served with the Notice of hearing on June 4, 2012. The tenant's application was dated May 10, 2012. No proof of service was submitted into evidence and the tenant was not able to provide the parcel tracking numbers from Canada Post.

Section 89 of the Act states that an application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, must be given to one party by another, in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

Section 59 states that an application for dispute resolution must be in the approved form, include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and be accompanied by the fee prescribed in the regulations. A person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. (my emphasis)

### Conclusion

Based on the above, I find that the matter cannot proceed because the tenant was not able to sufficiently prove that the landlord was served with the Notice of Hearing in accordance with the Act.

Therefore I hereby dismiss the tenant's application with leave.

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: June 05, 2012.

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Residential Tenancy Branch