



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The tenant appeared; the respondent/landlord did not appear.

The tenant gave evidence that he served the landlord with the Application for Dispute Resolution and Notice of Hearing by registered mail on February 22, 2013. The tenant supplied the receipt and tracking number of the registered mail.

Whether the landlord was served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act (the "Act") will be addressed later in this Decision.

The tenant was provided the opportunity to present his evidence orally and to refer to relevant documentary evidence submitted prior to the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent?

Background and Evidence

The tenant applied to cancel a landlord's 10 Day Notice to End Tenancy for Unpaid Rent; however the tenant said he was not served a Notice, rather the person he rented from, the respondent listed in this application, was served the Notice.

The tenant said the respondent previously owned the home, but apparently had not paid the mortgage payments. At some point in January 2013, the apparent new owners of the home changed the locks to the rental home, leaving the tenant without a place to stay or access to his belongings.

The tenant said he does not know where the respondent and another roommate, who vacated suddenly, have moved.

The tenant, when questioned, said that he secured the respondent's address through welfare records, as that is where his welfare cheques for rent were sent.

The tenant also confirmed that he never had a written tenancy agreement.

Other than his application, the tenant provided no documentary evidence.

Analysis

Although the tenant applied seeking cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent, the tenant was not served with the Notice. I also was not provided with a copy of the Notice, which may or may not have been served upon the respondent.

I therefore find the tenant submitted insufficient evidence to support his application seeking cancellation of a Notice, as I am unable to consider cancellation of a Notice that I am unable to review.

I additionally find that the tenant submitted insufficient evidence that the respondent was served with the Notice of Hearing, as I was not convinced the address used, a Post Office Box, was the correct address.

I also had insufficient evidence to determine whether I had jurisdiction to decide this application, as the tenant possibly shared kitchen and bathroom facilities with the respondent, who may have been the owner at the time.

Due to the above, I find the tenant submitted insufficient evidence to support his application for dispute resolution, and therefore it is dismissed.

The tenant may have remedy in another legal venue.

Conclusion

The tenant's application for dispute resolution is dismissed.

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* and is being mailed to both the applicant and the respondent.

Dated: March 07, 2013

Residential Tenancy Branch

