



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Preliminary Matters

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause (the "Notice").

The tenant appeared; the landlord did not appear.

The tenant testified that she served the landlord with her application for dispute resolution and notice of hearing by placing the documents partially inside the landlord's mailbox at his place of business.

The tenant also said that she was never issued a written Notice to end the tenancy by the landlord; rather she was informed in a phone call that she was to vacate. Additionally, the tenant said that she did vacate the rental unit on July 11, 2013.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the landlord in this case) leaving it with the person, if the person is a landlord, by leaving a copy with an agent of the landlord or by registered mail to the address at which the person resides, or if a landlord, to the address at which the person carries on business as a landlord.

In the case before me I find that the tenant failed to provide sufficient evidence that the landlord was served the notice of this hearing in a manner as required under section 89 either by registered mail or by leaving the documents with the landlord or his agent and I therefore dismiss her application.

Even had I not dismissed the tenant's application for dispute resolution due to lack of proper service of the application for dispute resolution and Notice of Hearing on the landlord, I would still make the determination that the tenant's application seeking cancellation of a 1 Month Notice to End Tenancy for Cause be dismissed, as the landlord did not issue such a Notice to the tenant and the tenancy has now ended.

Conclusion

The tenant's application 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: August 12, 2013

Residential Tenancy Branch

