



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CATHERINE CHEN  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, FF

### Introduction

This matter dealt with an application by the Tenants to cancel a Notice to End Tenancy for unpaid rent and to recover the filing fee for this proceeding.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the “hearing package”) by registered mail on or about December 17, 2013. The Tenant said he did not have the postal receipt or tracking information to support his claim that he served the Landlord by registered mail. Based on the lack of evidence of the service of the documents to the Landlord and because the Landlord was not in attendance at the hearing, I find that the Tenant has not established grounds to prove the Landlord was served with the Tenants’ hearing package as required by s. 89 of the Act. If the Landlord was not served then the Landlord had no knowledge that this hearing was taking place and therefore could not defend the Landlord’s position. I dismiss the Tenants application due to lack of evidence to prove service of the hearing package to the Landlord.

It should be noted that the effective vacancy date on the 10 Day Notice to End Tenancy for unpaid rent (dated December 2, 2013) is December 15, 2013. The time limit to dispute this Notice is now well past.

### 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*.

Dated: February 04, 2014

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Residential Tenancy Branch

