



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FF, MNDC, MNR, MNSD, OPR

### Introduction

This hearing was convened in response to applications by the tenant and the landlord

The tenant's application is seeking orders as follows:

1. To cancel a notice to end tenancy for unpaid rent; and
2. To recover the cost of filing the application.

The landlord's application is seeking orders as follows:

1. For a monetary order for unpaid rent;
2. To keep all or part of the security deposit; and
3. To recover the cost of filing the application

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary Matters

#### *Tenant's application*

At the outset of the hearing, the tenant stated that she vacated the rental unit on May 1, 2014. As the tenancy has legally ended, I find there is no requirement to hear the tenant's application to cancel the notice to end tenancy. Therefore, I dismiss the tenant's application without leave to reapply.

#### *Landlord's application*

At the outset of the hearing the tenant stated she did not receive any documents from the landlord.

The Residential Tenancy Branch Rules of Procedure (the “rules of procedure”) states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord stated the Application for Dispute Resolution and Notice of Hearing were not served on the tenant.

In this case, I find the landlord has not comply with rules of procedures or the principles of natural justice, as a party must be informed and given particulars of the claim against them. As a result, I dismiss the landlord’s application with leave to reapply.

### Conclusion

The tenant’s application is dismissed.

The landlord’s application is dismissed with leave to reapply.

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 02, 2014

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Residential Tenancy Branch

