



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MT CNR

Introduction

This hearing convened pursuant to the tenants' application to cancel a notice to end tenancy for unpaid rent. The tenants and two agents for the landlord called in to the teleconference hearing.

Preliminary Issues

At the outset of the hearing the landlord stated that the tenants had only served the landlord with the notice of hearing, not the application. The tenants stated that they had served the notice of hearing on the landlord's agent in person, but they were not sure of the date.

I accepted the landlord's evidence that they only received the notice of hearing and were therefore not made aware of the tenants' claim. I accordingly dismissed the tenants' application with leave to reapply.

The landlord stated that they did not require an order of possession, as they had already obtained an order of possession in a hearing convened pursuant to their own application.

Conclusion

The tenants' application is dismissed with leave to reapply. I note that dismissal with leave to reapply does not extend any applicable deadlines under the Act.

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: September 26, 2014

Residential Tenancy Branch

