



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes:

CNC, OLC, FF

Introduction

The tenant applied to cancel a Notice to End Tenancy issued on July 18, 2014, an Order the landlord comply with the Act and to recover the filing fee cost from the landlord.

At the start of the September 29, 2014 hearing the tenant's agent provided affirmed testimony that the tenant has been in hospital for some time. The agent was asked to attend the hearing and a written note issued by the tenant, confirming this assignment, was submitted to the Residential Tenancy Branch.

The agent could not provide details on service of the hearing documents to the landlord. The agent said that the landlord has an office in the building where the tenant resides and expects the landlord was served at that office. The landlord did not attend the hearing, which occurred between 1:30 and 1:45 p.m.

In the absence of the landlord at the hearing, I determined that the hearing would be adjourned to allow the tenant to submit a signed, witnessed statement outlining the details of service of the hearing documents to the landlord or landlord's agent. The tenant was originally to submit the evidence no later than October 6, 2014. This date was extended by way of a corrected interim decision. The written submission was to be made no later than October 31, 2014.

No submission was made by the tenant, setting out service to the landlord.

In the absence of evidence of service of Notice of the Hearing to the landlord, I find that the application is dismissed with leave to reapply within the legislated time-frame.

This decision is final and binding and 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*.

Date: November 05, 2014

Residential Tenancy Branch

