



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The tenants attended the hearing by conference call and provided undisputed affirmed testimony. The landlord did not attend or submit any documentary evidence. The tenants submitted 1 page of documentary evidence which was a copy of the tenants' application for dispute resolution. The tenants stated that the landlord was served with the notice of hearing package via Canada Post Registered Mail on February 19, 2016 and have provided in their direct testimony the Customer Receipt Tracking number as confirmation. The tenants stated that they received verbal confirmation from the landlord for receiving the notice. I accept the undisputed affirmed evidence of the tenants and find that the landlord has been properly served as per sections 88 and 89 of the Act.

Preliminary Issue

At the outset the tenants stated that they had submitted a copy of the notice to end tenancy, but a review of the file clearly shows that the only documentary evidence received was a 1 page copy of the tenants' application for dispute.

Residential Tenancy Branch, Rules of Procedure 2.5 speaks to filing evidence and states,

2.5 Documents that must be submitted with an Application for Dispute Resolution

To the extent possible, at the same time as the application is submitted to the Residential Tenancy Branch directly or through a Service BC office, the applicant must submit:

- ☐ a detailed calculation of any monetary claim being made;
- ☐ **a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and**
- ☐ copies of all other documentary and digital evidence to be relied on at the hearing.

When submitting applications online, the applicant must submit the required documents to the Residential Tenancy Branch directly or through a Service BC office within three business days of submitting the online Application for Dispute Resolution.

On this basis, I find that as the tenants have applied to cancel a 1 Month Notice to End Tenancy for Cause and have not filed a copy of the 1 Month Notice that I must dismiss the tenants' application for dispute resolution.

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: April 07, 2016

Residential Tenancy Branch