



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, CNL, MNDC, OLC, FF

### Introduction

This was a cross-application hearing for Dispute Resolution. The matter was set for a conference call hearing at 9:00 a.m. on September 23, 2016.

The Landlord applied seeking an early end of tenancy.

The Tenant applied seeking to cancel a Notice to End Tenancy; for money owed or compensation for damage or loss under the Act; for the Landlord to comply with the Act, regulations, or tenancy agreement; and to recover the cost of the filing fee.

The line remained open while the phone system was monitored for ten minutes and the Tenant was the only participant who called into the hearing.

The Tenant testified that he moved out of the rental unit on August 20, 2016.

The Tenant stated that he sent a Notice of Hearing to the Landlord using Canada Post Registered Mail. The Tenant also stated that he sent a copy of his amended application to the Landlord using Canada Post Registered Mail. The Tenant stated that the mail containing his amended application was returned to him as unclaimed. The Tenant did not provide any evidence to support or prove that he served the Landlord.

In the circumstances, I am not satisfied that the Landlord has been served with Notice of the hearing and the Tenant's application and therefore the hearing did not proceed.

The Tenant's application is dismissed with leave to reapply.

The Landlord failed to attend the hearing and consequently the Landlord'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: September 23, 2016

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Residential Tenancy Branch

