



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 907682 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, received at the Residential Tenancy Branch on October 17, 2016 (the "Application"). The Tenant applied for an order cancelling a 1 Month Notice to End Tenancy for Cause, dated October 7, 2016 (the "1 Month Notice"), pursuant to the *Residential Tenancy Act*.

The Tenant attended the hearing on his own behalf and provided his solemn affirmation. The Landlord was not represented at the hearing.

The Tenant testified he served the Landlord with his Application package, including the Notice of a Dispute Resolution Hearing, by placing it under the door of the Landlord's office on October 19, 2016. This is not an acceptable method of service of an application for dispute resolution under section 89 of the *Act*. I am not satisfied the Landlord received proper notice of this hearing. Accordingly, the Tenant's Application is dismissed.

As I have dismissed the Tenant's Application, he is out of time to make a further application to cancel the 1 Month Notice. Pursuant to section 47 of the *Act*, the Tenant is conclusively presumed to have accepted the tenancy ended on the effective date of the 1 Month Notice, which is November 30, 2016. The Tenant should vacate the rental unit by 1:00 p.m. on that date. The Landlord is at liberty to apply for an order of possession.

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: November 9, 2016

Residential Tenancy Branch