



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenants' Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause dated October 24, 2017 ("1 Month Notice").

Tenants T.M.M and M.M. attended the teleconference hearing. As the landlords did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. Tenant T.M.M. testified that he could not recall the date the landlords were served personally.

Based on the above, and taking into account that the landlords did not attend the hearing, **I am not satisfied** that the landlords were sufficiently served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that the tenant could not recall the date in which the landlords were personally served.

Both parties have a right to a fair hearing and the landlords would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application. Therefore, **I dismiss** the tenants' application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, 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*.

Dated: January 16, 2018

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Residential Tenancy Branch