



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT CNC LRE OLC FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for: more time to make an application to cancel the landlord's Notice to End Tenancy pursuant to section 66; cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, pursuant to section 47; an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant/applicant attending this hearing however the landlord/respondent did not attend. The teleconference line remained open for approximately 15 minutes. The tenant was given a full opportunity to provide submissions and discuss her evidence submitted for her application.

The tenant testified that she did not serve the landlord/respondent with her Application for Dispute Resolution. The tenant testified that she didn't realize that she had to serve her application to the landlord. The Application for Dispute Resolution includes a Notice of Hearing document providing the date and time of this hearing. It also provides information for the applicant including the requirement to serve the hearing documents to the other party. It is essential to the dispute resolution process that it is conducted in a manner which allows for procedural fairness. Without service of the Notice of Hearing and other documents that make up the tenant's Application for Dispute Resolution, it is possible that the respondent (in this case, the landlord) would not know of the hearing or know the case against them and therefore the landlord would be unable to respond or make an educated decision about participating in this hearing.

As a result of the tenant's lack of service of hearing documents and the requirement that those documents be served in accordance with section 89 and 90 of the Act, I dismiss the tenant's application with leave to reapply.

Conclusion

I dismiss the tenant's application in its entirety.

As the landlord was not present to address the Notice to End Tenancy and any request for an Order of Possession, I will not provide an Order of Possession to the landlord at this time.

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: February 23, 2018

Residential Tenancy Branch