



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("the *Act*") for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 46.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:45 am in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 am. The tenant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions, and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

The tenant testified that she received the 10 Day Notice dated February 3, 2018 and filed application to cancel the 10 Day Notice on February 8, 2018. The tenant testified that she served the landlord with a copy of the tenants' dispute resolution hearing package by sending it to the landlord by registered mail on February 10, 2018. However, the tenant could not provide the Canada Post tracking number as evidence to prove service by registered mail upon the landlord as required under Section 89 of the *Act*.

As the tenant has failed to establish service upon the Landlord pursuant to Section 89 of the *Act*, the tenants' application is dismissed with leave to reapply.

Conclusion

The tenants' application is dismissed with leave to reapply.

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 20, 2018

Residential Tenancy Branch