



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC

### Introduction

On February 26, 2018, the Tenants made an Application for Dispute Resolution to cancel a 1 Month Notice to End Tenancy For Cause, dated February 23, 2018, and for the Landlord to comply with the Act, Regulation, or tenancy agreement.

The matter was set for a conference call hearing at 11:00 a.m. on this date. The Tenants attended the teleconference hearing; however, the Landlords did not. The phone line remained open and was monitored for twenty minutes and the Landlords did not call into the hearing during this time.

The Tenants testified that they served the Application and Notice of Hearing to the Landlords by posting the documents to the Landlord's door.

The Tenants testified that they moved out of the rental unit on March 31, 2018, because they had received a written letter from the Landlord on February 14, 2018, directing them to move out of the rental unit in six weeks due to the sale of the property. The Tenants submitted that they are interested in seeking compensation from the Landlord for one month's free rent because they accepted the written letter to end the tenancy and due to a loss of value of the tenancy and a restriction of a service or facility.

### Preliminary and Procedural Matters

Section 89 of the Act requires that an application for dispute resolution, when required to be given to one party by another, must be given in one of the following ways:

- by leaving a copy with the person;
- if the person is a landlord, by leaving a copy with an agent of the landlord;

- by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

I find that the Tenants did not serve the application for dispute resolution and Notice of Hearing to the Landlord in accordance with the Act. The Landlords are not deemed to have received the Notice of Hearing documents.

Since the Landlords were not properly served and did not attend the hearing; the Tenants' application is dismissed in its entirety 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: May 07, 2018

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Residential Tenancy Branch