



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy
- b. An order to recover the cost of the filing fee.

The landlord failed to appear at the scheduled start of the hearing which was 9:00 a.m. on June 19, 2018. One of the tenant applicant(s) was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The tenant testified he has been unable to serve the landlord personally with a copy of the Application for Dispute Resolution and Notice of Dispute Resolution Hearing. He gave it to his roommate who was to give it to the landlord. He was not sure whether his roommate gave it to the landlord. The roommate did not attend the hearing. The Application for Dispute Resolution seeks to cancel a 10 day Notice to End Tenancy. The tenant testified he was never served with a 10 day notice for non payment of rent but was served with another notice. The tenant failed to upload a copy of the Notice to End Tenancy that was served on him.

In the circumstances I determined the tenant failed to prove that he has sufficiently served the landlord in accordance with the Residential Tenancy Act.

I order that the application be dismissed with liberty to reapply. I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: June 19, 2018

Residential Tenancy Branch