



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* to cancel a notice to end tenancy for cause and for the recovery of the filing fee.

The tenant attended the hearing and testified that on May 10, 2018, the landlord's father had visited him at the rental unit. It was during this visit that the tenant served the landlord's father with the notice of this hearing. The landlord's father signed in acknowledgement of having received the notice of hearing.

As proof of service, the tenant filed a copy of the notice with the signature of a person who is not the landlord as named by the tenant in his application for dispute resolution. The landlord did not attend the hearing.

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The landlord is entitled to have an opportunity to be heard at the hearing.

Based on the testimony of the tenant, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

Conclusion

The tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

Since the tenant has not proven his case, he must bear the cost of filing his application.

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 27, 2018

Residential Tenancy Branch