



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNQ

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit pursuant to section 49.1.

Both parties attended the hearing via conference call and provided affirmed testimony. The tenants stated that the landlord was served with the notice of hearing package via Canada Post Xpress Post on June 11, 2018 which was disputed by the landlord. The landlord stated that she was only notified verbally just prior to the scheduled hearing date by the tenant that a dispute had been filed and has not had an opportunity to prepare and respond to the application. The tenants argued that service was received and provided the online tracking number and a review shows that the package was received on June 11, 2018 by Canada Post and on June 12, 2018 notice card was left and delivered on June 14, 2018 which was signed by E.S. The landlord argued that there is no E.S. working at her office. The mailing address was clarified in which the tenant did not include the correct unit #21 used for mailing and was not provided to the Residential Tenancy Branch. The tenant was unable to clarify the discrepancy. I find on a balance of probabilities that the tenants failed to properly serve the landlord with the notice of hearing package as per sections 88 and 89 of the Act. The tenants' application is dismissed with leave to reapply. Leave 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: July 13, 2018

Residential Tenancy Branch