



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TROIKA VENTURES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 11:15 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 11:00 a.m. The tenants attended the hearing and were 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. During the hearing, I also confirmed from the online teleconference system that the tenants and I were the only ones who had called into this teleconference.

At the hearing, Tenant CW testified that the tenants sent the landlord a copy of the tenants' dispute resolution hearing package by registered mail on June 12, 2018. As the tenants did not have a copy of the Canada Post Tracking Number to confirm this registered mailing at the hearing and had not entered into written evidence a copy of that Number or a Canada Post Customer Receipt, I am unable to find that the landlord was deemed served with this package in accordance with section 89 of the *Act*. As the tenant has not demonstrated service of the hearing package to the landlord in accordance with the *Act*, I dismiss the tenants' application to cancel the 1 Month Notice of May 31, 2018 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: July 31, 2018

Residential Tenancy Branch