



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed on August 14, 2018 wherein the Tenant sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on August 9, 2018 (the "Notice")

The hearing was conducted by teleconference at 9:30 a.m. on October 1, 2018.

Both parties called into the hearing and were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions to me.

Preliminary Matters—Naming of the Parties

The Tenant named on the Application for Dispute Resolution is the Tenant's spouse. Pursuant to section 64(3)(c) I amend the Application to correctly name the Tenant.

Similarly, the Tenant inverted the Landlord's first name and surname. Pursuant to section 64(3)(c) I also amend the Tenant's Application to correctly note the Landlord's name.

Preliminary Matter—Evidence

Neither party submitted a copy of the Notice in evidence. The Tenant stated that the Notice did not include an effective date. The Landlord was not able to testify as to the contents of the Notice.

In any case the Landlord confirmed that the primary issue between the parties is the Tenant's failure to pay utilities as required by the residential tenancy agreement. She

confirmed that on August 9, 2018 she sent a written demand to the Tenant's to pay the utilities. The Notice did not contain any amount of unpaid utilities.

The Landlord confirmed it was her intention to withdraw the August 9, 2018 Notice and reissue a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities including the unpaid rent for August and September 2018 as well as the unpaid utilities as of the date of the hearing.

The August 9, 2018 Notice is withdrawn. The tenancy shall continue until ended in accordance with the *Residential Tenancy Act*.

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Rules of Procedure* (the "*Rules*"); the parties were reminded to file and serve all evidence in accordance with *Rules* 2.5, 3.1, 3.14 and 3.17 which provide as follows:

2.5 Documents that must be submitted with an Application for Dispute Resolution

To the extent possible, at the same time as the application is submitted to the Residential Tenancy Branch directly or through a Service BC office, the applicant must submit:

- a detailed calculation of any monetary claim being made;
- a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- copies of all other documentary and digital evidence to be relied on at the hearing.

3.1 Documents that must be served with the hearing package

The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Application for Dispute Resolution;
- b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;
- c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; and

- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC office with the Application for Dispute Resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an Application for Dispute Resolution*].

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: October 01, 2018

Residential Tenancy Branch