



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice"). A copy of the 1 Month Notice was not submitted in evidence.

The respondent landlord attended the teleconference hearing and testified that the tenants did not serve the landlord with the Notice of Dispute Resolution or their application and that the landlord only became aware of the hearing by calling the Residential Tenancy Branch ("RTB") and requesting the date of any upcoming hearings and the access code(s).

As the tenants did not attend the hearing and they are the applicants, this application is dismissed with leave to reapply due to a service issue as I accept the landlord's undisputed testimony that they were not served with the tenants' application.

Based on the above, and taking into account that the tenants did not attend the hearing, **I am not satisfied** that the landlord was sufficiently served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the undisputed testimony of the landlord. I confirmed that the teleconference codes were correct and that the only party showing on the teleconference were the landlord and the undersigned arbitrator. I waited the required 10 minute waiting period in the interests of fairness, and the tenants did not call into the hearing.

Both parties have a right to a fair hearing and the landlord would not be aware of the details of hearing without having received the Notice of a Dispute Resolution Hearing and application. Therefore, **I dismiss** the tenants' application **with leave to reapply**

due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

This decision does not extend any applicable timelines under the *Act*.

The hearing lasted a total of 18 minutes.

The decision will be emailed to the tenants and their email addresses provided in the application. The landlord confirmed their email address and the decision will be emailed to the landlord as a result.

Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

The decision will be emailed to both parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 19, 2018

Residential Tenancy Branch