



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

This hearing dealt with an application by the tenants under the *Residential Tenancy Act* (the *Act*) for the following:

- An order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (“Ten-Day Notice”) pursuant to section 46(4);
- An order requiring the landlord to provide services of facilities as required by the tenancy agreement or law pursuant to section 61.

The hearing was conducted by teleconference. The tenant JA appeared on behalf of the tenants (“the tenant”). The landlord did not appear.

At the beginning of the hearing, the tenant stated he had not served the landlord with the Notice of Hearing and Application for Dispute Resolution.

Section 89 of the *Act* sets out how an Applicant must serve a Respondent with an application for dispute resolution.

The tenant submitted no documents to support a finding the landlord had been served with the application for dispute resolution.

Therefore, I find the tenant has failed to prove service as required and the application is dismissed with leave to reapply.

Conclusion

As the respondent landlord has not been served as required by section 89, the 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: October 23, 2018

Residential Tenancy Branch