



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ASSOCIATED PROPERTY MANAGEMENT (2001) LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, FFT

### Introduction

On December 7, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a 10-Day Notice to End Tenancy, and to request compensation for the filing fee. The matter was set for a participatory hearing via conference call.

The Tenant attended the conference call hearing; however, the Landlord did not attend at any time during the 16-minute conference call. The Tenant testified that he did not pick up the Notice of Dispute Resolution Proceeding package in time and subsequently, did not serve the Landlord with the package. As a result, I find that the Landlord has not been duly served with the Notice of Dispute Resolution Proceeding package in accordance with Section 89 the Act.

I am, therefore, unable to hear the Tenant’s Application as I am not satisfied that the Landlord was properly served with the Application for Dispute Resolution or Notice of Dispute Resolution Proceeding package. As a result, this Application is dismissed with leave to reapply.

### Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

In the event that the parties decide to reapply for Dispute Resolution, they will be required to resubmit all written evidence, upon which they intend to rely, to each other again. They will also need to place their written evidence on the Residential Tenancy Branch's online Service Portal again.

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: January 25, 2019

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Residential Tenancy Branch