



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LRE, MNDCT, OLC, PSF

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), to suspend or restrict the Landlord’s right to enter, for monetary compensation, for an Order for the Landlord to comply with the *Act*, *Residential Tenancy Regulation* and/or tenancy agreement, and for services or facilities to be provided as per the tenancy agreement or law.

Both Landlords were present for the teleconference hearing. The Tenant and co-tenant joined the hearing after approximately 7 minutes. The parties were affirmed to be truthful in their testimony. The Landlords stated that they received a portion of the Notice of Dispute Resolution Proceeding package documents by email but did not receive any evidence. The Tenants confirmed that they sent the documents by email only. As email is not a method of service under Sections 88 and 89 of the *Act*, I find that the Landlords were not served as required.

However, the Tenants also stated their intent to withdraw their application and the Landlords confirmed that they were not seeking an Order of Possession at this time. As such, although the Landlords were not properly served with notice of this hearing, as they were in attendance at the hearing I accept that the application has been withdrawn. Both parties are at liberty to file a new Application for Dispute Resolution should there be any outstanding claims regarding this tenancy.

### Preliminary Matters

One of the Landlords clarified their last name at the hearing. As this was incorrectly stated on the Application for Dispute Resolution, the application was amended to the name as stated by the Landlord. This amendment was made pursuant to Section 64(3)(c) of the *Act*.

### Conclusion

The Application for Dispute Resolution has been withdrawn.

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: April 25, 2019

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Residential Tenancy Branch