



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, RP, AAT, LAT, LRE, OLC, PSF

Introduction

This matter was scheduled to hear a tenant's application filed on April 28, 2019 requesting cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent; orders for repairs and emergency repairs, authorization to change the locks, orders for the landlord to allow access to the rental unit, orders restricting the landlord's right to enter the rental unit, orders for the landlord to comply with the Act, regulations or tenancy agreement, and orders for the landlord to provide services or facilities. A hearing package for the tenant to serve the landlords was generated on May 1, 2019.

On May 8, 2019 the Residential Tenancy Branch received an Amendment indicating the tenant was seeking to exclude three of the four named landlords, leaving only the landlord identified by initials BD as the landlord, and withdraw all matters except for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent dated May 2, 2019.

The tenant named on the application appeared at the hearing; however, there was no appearance on part of the landlord(s). Since the landlord(s) did not appear, I explored service of hearing documents upon the landlord(s).

The applicant testified that he personally served a hearing package upon all four of the landlords named on the original application at the same time outside of unit 108 although he could not recall the date this was done. The tenant stated it would have been a Tuesday or Thursday and shortly after filing the original application.

As for serving the Amendment, the applicant testified that he served landlord BD in person outside of unit 108 on a Thursday, right after submitting the Amendment.

The applicant went on to describe how the landlord does not recognize him as a tenant even though he has paid rent for the unit, but that he received a copy of a hearing

package the landlord filed against the tenant named on the tenancy agreement and a hearing is set for June 27, 2019. The applicant stated that he and the tenant named on the tenancy agreement intend to appear for the June 27, 2019 proceeding and the applicant requested the application he filed be held over and joined to the hearing set for June 27, 2019. I informed the applicant that if rent had been paid for May 2019 it was not necessary to wait until June 27, 2019 to cancel the 10 Day Notice dated May 2, 2019.

I asked the applicant whether the rent was paid for May 2019. The applicant testified that he paid the rent in cash on May 3, 2019 and that he has a receipt to prove it. I ordered the applicant to provide me with a copy of the receipt. My order was met with hesitation by the applicant and he started provided varying excuses why he might not be able to provide it.

I gave the applicant the option of delivering a copy of the receipt in person to the Residential Tenancy Branch or a Service BC office; or, uploading it electronically to the service portal. The applicant indicated he would upload the receipt like he did other pieces of evidence for this case. The applicant then indicated he was at work and the receipt was at home so I gave him until the evening of May 28, 2019 to upload it. The applicant stated he did not have a computer so he would have to go to the library but he did not know if the library was open in the evening. I set a deadline for uploading the receipt as May 30, 2019 and I opened the service portal to accept further uploads.

As of the day of writing this decision, no receipt for payment of May 2019 rent has been provided by the applicant. I also note that the application filed by the landlord indicates that rent for May 2019 has not been paid.

Given the applicant's testimony that he paid rent for May 2019 and had a receipt which was then followed by resistance when I ordered him to produce the receipt, and the applicant's failure to produce the receipt by the deadline given, I find the applicant's testimony to be unreliable in the absence of evidence to corroborate his statements. Accordingly, I find I also cannot rely upon the tenant's testimony only that he served the landlord(s) with his Application and Amendment as he stated especially when I consider none of the four landlords he allegedly served appeared for the proceeding. Therefore, I dismiss this application on the basis I am unsatisfied the landlord(s) have been duly served with notification of this proceeding. The application is dismissed with leave; however, this does not extend any applicable time limit under the Act.

Having been unsatisfied the landlord(s) were served with notification of this proceeding, I decline to review the documentary evidence that had been uploaded prior to the hearing and I do not issue an Order of Possession to the landlord(s) since I am unable to verify a Notice to End Tenancy meets the form and content requirements of the Act.

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: May 31, 2019

Residential Tenancy Branch