



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, FF

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenant, E.C. and the named landlord attended the hearing via conference call and provided testimony. The tenant, C.H. did not attend and was unrepresented. The tenant, E.C. (the tenant) stated that the landlord was served with the notice of hearing package in person. The landlord confirmed receipt of this package. Both parties confirmed the tenants did not submit any documentary evidence. Both parties also confirmed the tenant served the landlord with the amendment to the application for dispute for a second 10 Day Notice dated August 7, 2019. The landlord confirmed that he submitted numerous photographs and documents to the Residential Tenancy Branch, but did not serve the tenants with copies. Discussions took place on this subject for approximately 20minutes, however, both parties confirmed their understanding and the details of their submissions I accept the undisputed testimony of both parties and that both parties have been sufficiently served as per section 90 of the Act. Although the landlord submitted documentary evidence to the Residential Tenancy Branch, the landlord confirmed that no service of these documents were made to the tenants. As such, I find that the landlord's evidence is excluded from consideration in this hearing as per section 88 of the Act.

Preliminary Issue(s)

At the outset, the tenant's application was clarified. The tenant originally applied to cancel a 10 Day Notice served on July 5, 2019 and recovery of the filing fee. The tenant has subsequently amended the application for dispute by filing a request on August 14, 2019 to cancel an additional 10 Day Notice dated August 7, 2019.

Extensive discussions with both parties revealed that neither provided a copy of the 10 Day Notice served on July 5, 2019 to the tenant. Discussions could not resolve the missing information for this 10 Day Notice. As such, the tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

Discussions continued regarding the tenant's amendment to the application for dispute. Both parties again confirmed that neither party submitted a copy of the 10 Day Notice dated August 7, 2019. Discussions could not resolve the missing information/contents of the 10 Day Notice. As such, the tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: August 29, 2019

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Residential Tenancy Branch