



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROCKWELL PM
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR, RI, LRE, OLC, RP

Introduction

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

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order regarding a disputed additional rent increase pursuant to section 43;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Preliminary Issue(s)

At the outset, the tenants' application was clarified. The tenants stated that he wished to proceed only on the request to cancel the 10 Day Notice and cancel the remaining issues. The tenants stated that these were unrelated to the 10 Day Notice for Unpaid Rent. The landlord commented that he was prepared to proceed on the 10 Day Notice only. As such, the hearing shall proceed only on the tenants request to cancel the 10 Day Notice.

Both parties attended the hearing via conference call and provided undisputed affirmed testimony. Both parties confirmed the tenants served the landlord with the notice of hearing package via Canada Post Registered Mail on October 21, 2019. The tenants stated that the landlord was not served with any documentary evidence. The landlord submitted no documentary evidence. Neither party raised any further service issues. I accept the undisputed affirmed testimony of both parties and find that both parties have been sufficiently served with the notice of hearing package via Canada Post Registered Mail. As the tenants failed to serve the landlord with the submitted documentary evidence, I find that the tenants' documentary evidence to be excluded from consideration in this hearing for lack of service.

Section 46 says a landlord may end a tenancy by giving a notice to end tenancy for unpaid rent. In the case before me neither party has supplied a copy of the 10 Day Notice to End Tenancy for Unpaid Rent. Discussions took place with both parties during the hearing explaining the crucial and vital nature of this document to both parties. The Notice is not a trivial piece of information. It is the foundation that a landlord relies on to assist in an application to end tenancy when there is cause. After 20 minutes of discussions, both parties failed to agree to the contents of the 10 Day Notice dated October 9, 2019. As such, the tenants application to cancel the 10 Day Notice is dismissed with leave to reapply as insufficient details were provided by both parties on the contents of the 10 Day Notice.

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: November 19, 2019

Residential Tenancy Branch