



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI CNC OLC FFT

Introduction

This hearing was scheduled to convene by way of conference call at 9:30 a.m. this date concerning an application made by the tenant disputing a rent increase and seeking an order cancelling a notice to end the tenancy for cause, an order that the landlord comply with the *Residential Tenancy Act* or the tenancy agreement, and to recover the filing fee from the landlord for the cost of the application.

At the commencement of the hearing the tenant advised that she failed to serve the landlord in accordance with the instructions given by the Residential Tenancy Branch. However, the landlord joined the call.

The tenant has not provided any evidence with respect to this dispute, and the landlord was not aware of the applications made by the tenant.

The *Act* requires a party who makes a claim to serve the respondent within 3 days of receiving a Hearing Package from the Residential Tenancy Branch. The parties were given the opportunity to settle the dispute, however no orders were made.

Given that the tenant has not served the landlord, I dismiss the tenant's application with leave to reapply. I have made no findings of fact or law with respect to the merits of this matter, and I make no orders with respect to extending any time limits set out in the *Residential tenancy Act*.

The *Act* also states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. No one has provided a copy of a notice to end the tenancy for this hearing, and therefore I cannot be satisfied that any such notice was in the approved form, and I decline to issue an Order of Possession.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety with leave to reapply.

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 07, 2019

Residential Tenancy Branch