



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, MNDC, OLC

Introduction

On September 4, 2019, the Tenant made an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated September 3, 2019.

The matter was set for a conference call hearing. The Tenant attended the teleconference hearing; however, the Landlords did not.

The Tenant testified that he moved out of the rental unit at the end of October 2019. Since the tenancy has ended, The Tenant is only looking to proceed with his claim for money owed or compensation for damage or loss under the Act, Regulation or tenancy agreement.

Since the Landlords were not in attendance, the Tenant was asked to provide evidence on how the Landlords were served with the notice of the hearing. The Tenant indicated that he lost some documents and could not provide the actual date when he served the Notice of Dispute Resolution Proceeding documents to the Landlord. The Tenant did not provide any documentary evidence to prove how and when the notice of hearing was served to the Landlords.

A fundamental principle of natural justice is that a party to a proceeding has the right to be served with notice of the proceeding and must have an opportunity to participate and respond. I find that since the Tenant was unable to provide sufficient evidence to prove how and when the Respondents were served with notice to attend a hearing, the hearing could not proceed.

The Tenants application is 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 14, 2019

Residential Tenancy Branch