



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNR LRE OLC**

### Introduction

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

- An order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities pursuant to section 46;
- An order to suspend a landlord's right to enter the rental unit pursuant to section 70; and
- An order for the landlord to comply with the *Act*, Regulations and/or tenancy agreement pursuant to section 62.

The tenant attended the hearing which commenced at 11:00 a.m. and concluded at 11:07 a.m. The landlord did not attend this hearing, although I left the teleconference hearing connection open throughout the duration of the hearing to enable the landlord to call into this teleconference hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

The tenant testified that a friend had personally served the landlord with the Application for Dispute Resolution Proceedings package on October 19, 2019. The friend was not called as a witness to testify regarding the service of the documents and the tenant acknowledged the friend did not complete a proof of service document for me to consider. As the tenant has not demonstrated to my satisfaction that the landlord was served with the Application for Dispute Resolution Package in accordance with rule 3.5 of the Residential Tenancy Branch Rules of Procedure, this application is dismissed with leave to reapply.

Conclusion

I dismiss the tenant's application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*, including the deadlines for applying for dispute resolution or for returning security deposits at the end of a tenancy.

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 29, 2019

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Residential Tenancy Branch