



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAJVEER SINGH DEOL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, LRE, MNDC, RR, FF

Introduction

This matter dealt with an application by the Tenants to cancel and Notice to End Tenancy, for compensation for loss of damage under the Act, regulations or tenancy agreement, to set restriction on the Landlord's right of entry to the rental unit, for a rent reduction and to recover the filing fee for this proceeding.

At the start of the hearing the Landlord's Counsel said the Tenants have paid the unpaid rent so the Landlord is withdrawing the 10 Day Notice to End Tenancy for Unpaid Rent dated November 8, 2019. Further the Landlord's Counsel said the Landlord was not served the Tenants' hearing package and Counsel requested the Tenants' application be dismissed due to lack of service.

The Tenants' said they served the Landlord the hearing package and Notice of Hearing in person on October 3, 2019 when they paid their rent.

The Landlord's Counsel submitted an Affidavit from the Landlord saying he did not receive the Tenants' hearing package and he only knew about the application and the hearing when he received a courtesy Notice of Hearing from the Residential Tenancy Branch.

The Tenants said they served the Landlord in person but they have no corroborative evidence to prove the service.

Given that the Landlord has withdrawn the Notice to End Tenancy it appears the tenancy has stabilized, but there are outstanding issues that are monetary in nature. These monetary issues can be dealt with in time. Consequently, I accept the Landlord's Counsel's evidence that the Landlord was not service the hearing package as required by the Act. The Tenants' application is dismissed with leave to reapply.

Further the Landlord's Counsel noted that only two of the Applicants are actual tenants and the other three are occupants. Counsel said any application by the Tenants should reflect this.

The Tenants responded that the tenancy agreement is signed by all the Applicants and they believe they are all tenants.

The question of who is or who is not a tenant will be decided in the next hearing if the Tenants reapply.

Conclusion

The Tenants' application is dismissed 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: December 10, 2019

Residential Tenancy Branch