



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, CNL – 4M

Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a *4 Month Notice to End Tenancy for Demolition, Renovation or Conversion to Another Use*, and repair orders.

The tenant appeared; however, there was no appearance by the landlord.

The tenant stated that she did not serve the landlord with the proceeding package. Nor, did the tenant provide a copy of the 4 Month Notice when she filed her Application for Dispute Resolution or at any other time.

Section 59 provides that an Application for Dispute Resolution must include the full particulars of the matter under dispute and be served upon the other party within three days of making the Application for Dispute Resolution. Further, a tenant disputing a Notice to End Tenancy is required to provide a copy of the Notice to End Tenancy they seek to dispute, as required under Rule 2.5 of the Rules of Procedure. An Application for Dispute Resolution and other required documents must be served to the respondent in a manner that complies with section 89 of the Act. These requirements are in keeping with the principles of natural justice.

I find the tenant failed to comply with the service requirements of the Act, as described above, and I declined to hear this case. The tenant's Application for Dispute Resolution is dismissed with leave to reapply; however, this does not extend any applicable time limit under the Act.

Since the landlord was not served with the hearing documents and the Notice to End Tenancy was not before me, I am unable to determine whether the Notice to End Tenancy complies with the form and content requirements of section 52 of the Act and I

do not provide the landlord with an Order of Possession as provided under section 55(1) of the Act.

Conclusion

The tenant's application is dismissed with leave to reapply; however, my decision to dismiss with leave to reapply does not extend any applicable time limit under the Act.

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: March 19, 2020

Residential Tenancy Branch