



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "Notice"), pursuant to section 47, and
- authorization to recover the filing fee for this application, pursuant to section 72.

I left the teleconference connection open until 9:42 AM. to enable the landlord to call into this teleconference hearing scheduled for 9:30 A.M. The tenant attended and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 affirmed he served the Notice of Hearing by registered mail. The tenant was not able to provide the tracking number nor report when he sent the registered mail. At first the tenant affirmed he sent it in March, later he affirmed he sent it "maybe in April".

Because the testimony regarding the service of the Notice of Hearing was conflicting and the tracking number was not provided, I am not satisfied the Notice of Hearing was served in accordance with the Act.

Based on the foregoing, I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of timeline to apply.

As the tenant was not successful, he is not entitled to recover the filing fee.

Conclusion

I dismiss the tenant's application 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: April 22, 2020

Residential Tenancy Branch