



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The tenant, T.L. and the named landlord attended the hearing via conference call. Neither of the two other tenants attended or were represented.

At the outset, the landlord stated that she was not served with the tenants' notice of hearing package. The tenant, T.L. confirmed this stating that she had only received her own copy of the notice the day before the scheduled hearing. On this basis, I find that neither party has been properly served with the notice of hearing package. As such, the tenants' application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

During the hearing the landlord stated that she wished to cancel the 1 month notice dated May 7, 2020 as she did not realize that the issuance of a 1 month notice during the state of the emergency was prohibited.

Both parties also confirmed that the mailing address provided by the tenant for the landlord was in error. Both parties confirmed that the mailing address is the same except for "Unit B".

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: June 09, 2020

Residential Tenancy Branch