



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Devon Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL, FFT

### Introduction

The Applicant filed the Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) for an order cancelling a Two Month Notice to End Tenancy for Landlord’s Use of Property, and to recover the filing fee for the Application. The tenant filed the Application on July 7, 2020. The matter proceeded by way of a hearing pursuant to section 74(2) on August 10, 2020. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The Applicant attended the telephone conference call hearing; the Respondent did not attend.

### Preliminary Issue – service of the Notice of Dispute Resolution

The tenant stated they did not provide copy of the notice of dispute resolution to the landlord upon applying on July 7, 2020. There were some communications to the tenant that led them to believe the landlord planned to end the tenancy; however, the tenant did not provide a copy of the document informing them of that.

The tenant stated they did not serve the landlord with the evidence they presented and provided to Residential Tenancy Branch in preparation for this hearing. They provided that another party made the application and went through that process on their behalf.

The *Act* section 59 contains the provisions for starting proceedings in a dispute resolution. Subsection (3) states: “. . . a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.”

The *Act* section 89 gives the rules for service of the application for dispute resolution. This is by leaving a copy with the person or their agent or sending a copy via registered mail.

Additionally, the Rules of Procedure that are crafted to ensure a fair process specify the documents to be served by the applicant (here, the tenant) to the respondent (here, the landlord). These are: the Notice of Dispute Resolution Proceeding provided when applying; the Respondent Instructions for Dispute Resolution; a process fact sheet; and other evidence submitted by the applicant.

The tenant did not provide a copy of the notice of dispute resolution proceeding – that document that is generated when a person applies for dispute resolution – to the landlord either through mail or in person. Because the landlord did not attend the hearing, and by the testimony of the tenant, I find they did not give the required information to the landlord of this hearing date and time.

### Conclusion

I dismiss the tenant's application to cancel the Two Month Notice, with leave to reapply. This decision does not impact any deadlines as set forth in 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 *Act*.

Dated: August 11, 2020

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Residential Tenancy Branch