



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

The tenant applies to cancel a one month Notice to End Tenancy for cause received July 5, 2020.

The respondent landlord failed to attend for the hearing within 20 minutes after its scheduled start time at 9:30 a.m. on August 13, 2020. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the tenant, his advocate and this arbitrator were the only ones who had called into this teleconference during that period.

The tenant testifies that he served the landlord with this application about a week ago, when the landlord came around for rent. Thus the tenant has failed to serve the landlord within three days after making his application and as required by s. 59(3) of the *Residential Tenancy Act*

The tenant has not filed a copy of the Notice to End Tenancy he wishes to dispute.

In these circumstances I dismiss the tenant's application but grant him leave to re-apply subject to any time limitation period. This decision was given at the hearing and the tenant was informed that on any re-application it will be necessary for him to apply to

extend the time to make his application and that time cannot be extended past the lawful effective date of the Notice.

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: August 13, 2020

Residential Tenancy Branch