



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LiZ. RA Realty Alliance Inc and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, RP, MNMT

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause, issued on July 22, 2020, to have the landlord pay me back for emergency repairs and to make repairs to the rental unit.

Only the tenant appeared. The tenant stated they did not serve the landlord with the documents until September 9, 2020, by text message.

The tenant stated that they contact the RTB on September 9, 2020, as they had not received any documents to serve the landlord. The tenant stated they were informed by the RTB that it was sent to the tenant on August 11, 2020 to the email address provided by the tenant. The tenant stated that it went to their junk folder.

In this case, the tenant made their application for dispute resolution on August 1, 2020, I find it unreasonable that the tenant would wait to contact the RTB the day before their scheduled hearing to ask questions on this issue of service. Further, it was within the tenant's control to look in their email folders.

I find the landlord was not properly served with the tenant's application or evidence. I find I cannot proceed with the tenant's application. Therefore, I dismiss the tenant's application with leave to reapply. This does not extend any statutory time limits.

In most circumstance where a tenant's application to cancel a notice to end tenancy is dismissed, the landlord is granted an order of possession. However, in this case, I cannot determine if the Notice was completed in accordance with section 47 and 52 of the Act, as only a part of the notice was submitted by the tenant for my consideration.

Should the Notice be properly completed the landlord is entitled to make their own application if they want the tenancy to end based on this Notice.

Conclusion

The tenant's application is dismissed with leave to reapply as the landlord was not served in accordance with the Act. This does not extend the statutory time limits 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: September 10, 2020

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Residential Tenancy Branch