



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE

Introduction and preliminary matters

On September 24, 2020, the Tenant made an Application for Dispute Resolution seeking to cancel a Two Month Notice to End Tenancy for Landlord Use of Property pursuant to Section 49 of the *Residential Tenancy Act* (the “*Act*”) and seeking to restrict the Landlord’s right to enter pursuant to Section 70 of the *Act*.

The Tenant attended the hearing; however, the Landlord did not attend at any point during the 29-minute hearing. All parties in attendance provided a solemn affirmation.

The Tenant advised that he served the Landlord with the Notice of Hearing and Amendment package by hand on or around the beginning of November 2020, despite the Notice of Hearing package being available on September 28, 2020. As the Tenant’s Notice of Hearing package was not served to the Landlord within three days of September 28, 2020, pursuant to Rule 3.1 of the Rules of Procedure, I dismiss this Application with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: November 23, 2020

Residential Tenancy Branch