



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP

Introduction

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

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46; and
- an order requiring the landlord to complete repairs to the rental unit, pursuant to section 33.

The landlord did not attend this hearing, which lasted approximately 15 minutes. The two tenants attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenants initially stated that they did not serve the landlord with the tenants' application for dispute resolution hearing package. They then claimed that they served the landlord in mid-September 2020. Later, they stated that they served the landlord in person on October 6, 2020. The notice of hearing for this application is dated October 8, 2020.

I find that the tenants did not serve the landlord with the tenants' application, as required by section 89 of the *Act*. The tenants provided different dates of service and one of the dates, October 6, 2020, was prior to the notice of hearing date of October 8, 2020. The tenants were given ample time during the hearing to look up information and to provide the correct date of service.

I notified the tenants that their entire application was dismissed with leave to reapply. I informed them that they would be required to file a new application, pay a new filing fee, and provide proof of service at the next hearing, if they choose to pursue this matter further.

I notified the tenants to file an application as soon as possible, if they intend to pursue the cancellation of the 10 Day Notice, as there are limitation dates and deadlines to file an application. I informed them that they could hire a lawyer for legal advice, speak to an information officer for information only, not legal advice, and obtain assistance from a tenant advocacy centre, if they require assistance. They confirmed their understanding of same.

Conclusion

The tenants' entire application is dismissed with leave to reapply.

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