



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, MNDCT

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of the Two Month Notice to End Tenancy for Landlord's Use (the Notice), issued pursuant to section 49; and
- a monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation (Regulation) or tenancy agreement, pursuant to section 67.

I left the teleconference connection open until 11:12 AM. to enable the landlord call into this teleconference hearing scheduled for 9:30 A.M. The tenant's advocate GR attended and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Witness for the tenant PW also attended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

The tenant's advocate and witness both affirmed they do not know if the application was served to the landlord. It would be unfair to the landlord for this hearing to proceed if the landlord has not been notified of the claims in the tenant's application.

Based on the tenant's advocate and witness testimonies, I find the landlord was not served the application in accordance with section 89 of the Act. Thus, I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of timeline to apply.

### Conclusion

I dismiss the tenant's application 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 10, 2020