



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ABORIGINAL HOUSING SOCIETY OF PRINCE  
GEORGE and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC-MT, RR, MNDCT, RP, LRE, OLC / OPRM, OPR

### Introduction

On October 19, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause, to request more time to apply, to reduce the rent, to order repairs, to order the Landlord to comply with the Act, and to request a Monetary Order for compensation.

On October 20, 2020, the Landlord submitted an Application for Dispute Resolution by Direct Request under the Act. The Landlord requested an Order of Possession for unpaid rent, and a Monetary Order to recover the unpaid rent. The Landlord’s Application was crossed with the Tenant’s Application and the matter was set for a participatory hearing via conference call.

### Preliminary Matters

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Applications, with or without leave to re-apply.

Both parties were emailed their respective copies of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on October 23, 2020; however, the Landlord did not attend the teleconference hearing set for today at 11:00 a.m. The only person to call into the hearing was the Tenant who indicated that they were ready to proceed. 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 only two persons who had called into this teleconference was the Tenant and myself.

After keeping the phone line open for 10 minutes, I dismissed the Landlord’s Application without leave to reapply as the Landlord failed to attend the hearing to present the merits of their Application or, at the very least, cancel their scheduled hearing in advance of the hearing.

The Tenant testified that they served the Landlord with the Notice of Dispute Resolution Proceedings by registered mail. However, the Tenant acknowledged that they were not sure of the date and could not reference or produce any Canada Post tracking numbers. As a result, based on the Tenant's testimony, I find that the Landlord has not been duly served with the Notice of Dispute Resolution Proceedings, which included the details of the Tenant's claims, in accordance with Section 89 the Act.

I am, therefore, unable to hear the Tenant's Application as I am not satisfied that the Landlord was properly served with the Notice of Dispute Resolution Proceeding. As a result, this Application is dismissed with leave to reapply.

### Conclusion

I dismiss the Landlord's Application for Dispute Resolution without leave to reapply.

I dismiss the Tenant's 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.

In the event that the Tenant decides to reapply for dispute resolution, they will be required to resubmit all written evidence, upon which they intend to rely, to both the Landlord and the Residential Tenancy Branch's online portal again.

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: January 11, 2021

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Residential Tenancy Branch