



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BLITZ HOLDINGS 2011 LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MNDC, FFT

Introduction

On November 5, 2020, the Tenant made an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Tenant also applied for a monetary order for money owed or compensation for damage or loss under the Act.

The matter was set for a conference call hearing. The Tenant attended the teleconference hearing; however, the Landlord did not.

The Tenant testified that he did not serve the Landlord with the Notice of Dispute Resolution Proceeding. He stated that he believed the Residential Tenancy Branch would serve the Landlord.

The Tenant testified that he moved out of the rental unit on December 15, 2020 and he no longer wants to pursue his request to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. He testified that he wants to proceed with his claim to be compensated for items he purchased to deal with mould and rodents.

A fundamental principal of administrative law is that a party to a proceeding has the right to receive notice of the proceeding and have an opportunity to respond. I find that the Landlord was never served with notice of this hearing.

The hearing did not proceed. The Tenant's application is dismissed in its entirety. The Tenant is at liberty to reapply for dispute resolution seeking compensation for money owed or compensation for damage or loss.

Conclusion

The Tenant failed to serve the Landlord with the Notice of Dispute Resolution Proceeding.

The hearing did not proceed. The Tenant's application is dismissed in its entirety and the Tenant is at liberty to reapply for dispute resolution.

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 28, 2021

Residential Tenancy Branch