



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, RR, RP

Introduction and Preliminary Matters

On November 13, 2020, the Tenants applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”), seeking more time to cancel the Notice pursuant to Section 66 of the *Act*, seeking a repair Order pursuant to Section 32 of the *Act*, and seeking a rent reduction pursuant to Section 65 of the *Act*.

The Tenant attended the hearing; however, the Landlord did not make an appearance at any time during the seven-minute teleconference.

The Tenant stated that despite the Notice of Hearing package being made available to her on November 17, 2020, she did not serve this package to the Landlord. Based on this undisputed testimony, as the Tenant did not serve this package in accordance with Section 89 of the *Act* or Rule 3.1 of the Rules of Procedure, I am not satisfied that the Landlord was served with the Notice of Hearing package. As such, I dismiss the Tenants’ Application to dispute the Notice without leave to reapply. However, the Tenants’ other claims in this Application are dismissed with leave to reapply.

Conclusion

As the Notice of Hearing package was not served to the Landlord pursuant to Section 89 of the *Act* or in accordance with the timeframe requirements of Rule 3.1 of the Rules of Procedure, I dismiss the Tenants’ Application without leave to reapply.

The other issues on this Application are 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: February 1, 2021

Residential Tenancy Branch