



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenants' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord.

The tenant, DR, attended; however, the landlord did not call into the hearing. As the landlord was not present, service of the tenants' application and hearing documents were considered.

I asked the tenant how she served the landlord with her Application for Dispute Resolution, evidence, and Notice of Hearing (application package) and she said she had not. The tenant said that she thought the Residential Tenancy Branch (RTB) would let the landlord know about the hearing.

### Analysis and Conclusion

The Act states that the person making an application for dispute resolution must give a copy of the application to the other party, the landlord here, within 3 days of making the application.

As the tenant failed to give the landlord a copy of her application, I find the tenant has failed to comply with her obligation under the Act.

As a result, I dismiss the tenants' application, with leave to reapply. The tenant is cautioned, however, that she has only 5 days to dispute the Notice here, so a future application would not likely be successful.

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 04, 2021

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Residential Tenancy Branch