



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MACDONALD COMMERCIAL RES
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OLC

Introduction

On January 29, 2021, the Tenants applied for a Dispute Resolution proceeding seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”) and seeking an Order for the Landlord to Comply pursuant to Section 62 of the *Act*.

Both Tenants attended the hearing, with M.B. attending as their advocate. However, the Landlord did not make an appearance at any point during the 13-minute teleconference call. At the outset of the hearing, I explained to the Tenants that recording of the hearing was prohibited and they were reminded to refrain from doing so. The Tenants acknowledged these terms. As well, all parties in attendance provided a solemn affirmation.

Tenant M.B. advised that she served the building manager with the Notice of Hearing and evidence package by hand on or around February 4, 2021; however, she did not submit any proof to confirm this service. Without any evidence to corroborate service of this package to the Landlord, I am not satisfied on a balance of probabilities that the Landlord was sufficiently served with the Notice of Hearing and evidence package. As such, I dismiss the Tenants’ Application with leave to reapply.

Conclusion

As I am not satisfied that the Notice of Hearing and evidence package was served to the Landlord pursuant to the *Act*, I dismiss the Tenants’ Application 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 matters in the Application.

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: April 27, 2021

Residential Tenancy Branch