



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-MT

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for more time to apply to cancel a Two Month Notice, and to cancel a Two Month Notice to End Tenancy for Cause dated December 30, 2020.

The Tenant appeared at the teleconference hearing, but no one attended on behalf of the Landlord. However, the Tenant said that she called into the hearing to explain that she had applied for the wrong claim, and that as a result, she had not served the Landlord with the Notice of Hearing documents.

The Tenant said that she moved out of the rental unit "a couple of months ago"; therefore, I find it is not prejudicial to the Landlord to dismiss this claim without giving the Landlord an order of possession for the rental unit.

Residential Tenancy Branch ("RTB") Rule of Procedure 3.1 states that an applicant must, within three days of receiving the Notice of Hearing package from the RTB, serve each respondent with copies of the Notice of dispute resolution proceeding package, the instructions for dispute resolution, the dispute resolution fact sheet (RTB-114), and any other evidence the applicant submitted to the RTB.

Accordingly, and pursuant to section 62 of the Act, I dismiss this Application without leave to reapply on this basis.

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 16, 2021

Residential Tenancy Branch