



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony.

Both parties were advised that the conference call hearing was scheduled for 60 minutes and pursuant to the Rules of Procedure, Rule 6.11 Recordings Prohibited that recording of this call is prohibited.

At the outset, the tenant stated that she did not serve the notice of hearing package to the landlord and was not aware of what that package was. The landlord confirmed that he was not served with a hearing package.

A review of the Residential Tenancy Branch File Communications tab confirmed that the tenant was emailed a copy of the Notice of Hearing Package and the Application on May 21, 2021 and the tenant was advised to serve the Package to the landlord by May 24, 2021. A review of the Residential Tenancy Branch Notice tab confirmed that a notice was provided via email to the tenant on May 21, 2021.

The tenant failed to serve the landlord with the notice of hearing package as per section 89 of the Act. As such, the tenant's application is dismissed with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period. The tenant's request for recovery of the filing fee is dismissed without 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: August 26, 2021

Residential Tenancy Branch