



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, PSF

Introduction and Preliminary Matters

On April 23, 2021, the Tenants made an Application for Dispute Resolution 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 a provision of services or facilities pursuant to Section 62 of the *Act*.

On May 5, 2021, this Application was set down for a teleconference hearing on August 6, 2021 at 11:00 AM.

The Tenant attended the hearing; however, the Landlord did not make an appearance at any point during the 19-minute teleconference. At the outset of the hearing, the Tenant was informed that recording of the hearing was prohibited and he was reminded to refrain from doing so. He acknowledged this term. As well, he provided a solemn affirmation.

He advised that he served the Landlord the Notice of Hearing package by placing it in a shared laundry area on either May 10 or May 13, 2021. He stated that he served this package to the Landlord in this manner as he was instructed to do so by the Landlord.

Based on this testimony, the Notice of Hearing package was not served to the Landlord in a manner that complied with Section 89 of the *Act*. Moreover, this package was not served within three days of May 5, 2021 in accordance with Rule 3.1 of the Rules of Procedure. As such, I am not satisfied that the Landlord was sufficiently served the Notice of Hearing package. As I am not satisfied that the Landlord has been served this package, I have dismissed this Application with leave to reapply.

Conclusion

Based on the above, I dismiss the Application for Dispute Resolution 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 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: August 6, 2021

Residential Tenancy Branch