



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CANADIAN MENTAL HEALTH
ASSOCIATION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 2 Month Notice to End Tenancy Because Tenant Does Not Qualify for Subsidized Rental Unit (2 Month Notice).

The agent for the landlord, MT (agent) attended the teleconference hearing. The tenant did not attend the hearing. The agent was affirmed and confirmed that they were not served by the tenant regarding this hearing and only became aware based on an email reminder from the Residential Tenancy Branch (RTB).

I accept the undisputed testimony of the agent and find that the landlord was not served in accordance with the Act. Therefore, **I dismiss** the tenant's application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing and application in a manner provided for under the Act. I note this decision does not extend any applicable time limits under the Act.

The agent stated they are not seeking an order of possession at this time as they have given an extension to the tenant and will issue another 2 Month Notice for the same reason if the tenant does not provide their financial details by the extension date.

The filing fee was already waived.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to both parties at the email addresses listed by the tenant and confirmed by the agent during the hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: September 7, 2021

Residential Tenancy Branch