



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

On August 2, 2021, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting to cancel a One Month Notice to End Tenancy for Cause, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

Preliminary Matter – Service of the Notice of Dispute Resolution Proceeding

The Tenant attended the conference call hearing; however, the Landlord did not attend at any time during the 14-minute hearing. The Tenant testified that a friend of theirs personally served the Landlord with the Notice of Dispute Resolution Proceeding on August 23, 2021.

The Tenant did not provide a Proof of Service for the Notice of Dispute Resolution Proceeding nor did the Tenant’s friend provide any submissions or attend the hearing. As such, I find that the Tenant failed to provide sufficient evidence that they served the Notice of Dispute Resolution Proceeding in accordance with Section 89 the Act.

I am, therefore, unable to hear the Tenant’s Application as I am not satisfied that the Landlord was properly served with the Notice of Dispute Resolution Proceeding. As a result, this Application is dismissed with leave to reapply.

Conclusion

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: September 13, 2021

Residential Tenancy Branch