



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This hearing was scheduled to deal with a tenant's application for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice").

The tenant appeared at the hearing; however, there was no appearance on part of the landlords despite leaving the teleconference call open at least 10 minutes.

Since the landlords did not appear at the hearing, I explored service of the hearing materials upon the landlords.

The tenant testified that she sent the hearing package to the landlords at the service address provided on the 10 Day Notice, via regular mail.

The tenant stated that she also believed she emailed the documents to the landlord. The tenant tried looking through her emails but could not locate the email.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove the respondent(s) was served in a manner that complies with the Act. An Application for Dispute Resolution and other related hearing documents must be served in accordance with section 89 of the Act. Section 89 does not permit service by regular mail and the tenant provide proof of service by email to an email address the landlord provided her for service. Therefore, I was unsatisfied the landlords were duly served with notification of this proceeding and I declined to consider the tenant's request further.

The tenant further stated that they vacated the rental unit on July 1, 2021. In such a case, the tenant's request for cancellation of the 10 Day Notice would be moot as of this date and I dismiss the tenant's application without leave to reapply.

The tenant stated she appeared at the hearing intending to raise other matters, such as return of the security deposit and return of personal possessions. I informed the tenant that I would not amend the Application for Dispute Resolution to add other issues in the absence of advance notice to the landlord but that the tenants remain at liberty to file another Application for Dispute Resolution to resolve such matters. I suggested the tenants contact an Information Officer with the Residential Tenancy Branch for more information before filing another Application for Dispute Resolution.

Finally, it should be noted that the tenant and I have the same first initial and last name. We are not the same person and of no known relation.

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: October 01, 2021

Residential Tenancy Branch