



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING NON PROFIT RENTAL
ASSOCIATION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, DRI, FFT

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- a determination regarding their dispute of an additional rent increase by the landlord pursuant to section 43;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenant, M.M.M.I. and his daughter, F.M.M. (the tenants) attended the hearing via conference call and provided affirmed testimony. F.M.M. acted as her father's translator but stated that he understood, but had some issues responding in English. The named landlord did not attend or submit any documentary evidence.

The tenants also confirmed that only two of the listed named tenants were tenants and the remaining 4 persons listed were occupants. The tenants relied upon a copy of a signed tenancy agreement.

The tenants stated that the landlord was not served with the notice of hearing package and any submitted documentary evidence. The tenants stated that despite reading the received hearing package and instructions did not know that they were required to serve the package to the named landlord.

Section 88 and 89 of the Act states in part that an application for dispute resolution must be served upon the other party. I find based upon the tenants' evidence that the application for dispute is dismissed with leave to reapply. Leave to reapply is not an

extension of any applicable limitation period. The tenants were advised that they would benefit from retaining someone they trust to assist in the hearing process and to contact the Residential Tenancy Branch Information line to ask questions to assist them in a dispute resolution process.

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: January 21, 2022

Residential Tenancy Branch