



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Preliminary Matters

On September 2, 2021, the Tenant 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”).

On September 15, 2021, this Application was set down for a teleconference hearing on January 13, 2021 at 11:00 AM.

A.Y. attended the hearing and claimed to be a tenant; however, his name was not listed on the tenancy agreement or the Notice. As such, the Style of Cause on the first page of this Decision has been amended to reflect that the only name listed is that of the Tenant on the tenancy agreement. Consequently, A.Y. was then attending this hearing as an advocate for the Tenant. The Landlord did not make an appearance at any point during the 15-minute teleconference. At the outset of the hearing, A.Y. 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 did not receive an email from the Residential Tenancy Branch containing the Notice of Hearing package that was required to be served to the Landlord. As such, this Notice of Hearing package was never served to the Landlord. Records indicate that the Notice of Dispute Resolution Proceeding package was emailed to the Applicant on September 15, 2021 with instructions to serve by September 18, 2021.

Based on this testimony, the Notice of Hearing package was not served to the Landlord 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: January 13, 2022

Residential Tenancy Branch