



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PROMPTON REAL ESTATE SERVICES  
INC. and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNDCT FFT

### 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 4 Month Notice to End Tenancy for Renovations dated June 23, 2021 (4 Month Notice) and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. The tenant was affirmed and testified that they vacated the rental unit in February 2022 and that they did not serve this application on the respondents.

Both parties have the right to a fair hearing. The landlords would not be aware of the hearing without having received the Notice of a Dispute Resolution Proceeding (Notice of Hearing). As the tenant confirmed they did not serve the Notice of Hearing, **I dismiss** the tenant's application **without leave to reapply** as I am not satisfied that the landlords have been sufficiently served with the Notice of Hearing, application and supporting documentary evidence in a manner provided for under the Act.

I have not granted leave to reapply as the tenant confirmed they have vacated the rental unit and they are beyond the effective vacancy date of October 31, 2021 listed on the 4 Month Notice.

### Preliminary and Procedural Matters

The tenant was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The tenant was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the tenant was were informed that if any recording was

surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The tenant did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the tenant confirmed their email address and the email address for the landlord and that they understood this Decision would be emailed to both parties.

### Conclusion

The tenant's application is dismissed without leave to reapply due to a service issue.

This decision will be emailed to the parties as noted above.

The filing is not granted due to the service issue.

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: March 25, 2022

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Residential Tenancy Branch