



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WALBEC PROPERTIES and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, PSF

### Introduction and Preliminary Matters

On November 22, 2021, the Tenant applied for a Dispute Resolution proceeding 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”) and seeking a provision of services or facilities pursuant to Section 62 of the *Act*.

The Tenant attended the hearing; however, the Landlord did not attend at any point during the 20-minute teleconference. At the outset of the hearing, I informed the Tenant that recording of the hearing was prohibited and they were reminded to refrain from doing so. The Tenant acknowledged this term, and provided a solemn affirmation.

The Tenant advised that the Notice of Hearing package was served to the Landlord by registered mail, but the Tenant did not provide any proof of service and could not remember when it was served. No evidence was submitted to corroborate service of this package.

Records indicate that the Notice of Hearing package was made available to the Tenant, on November 25, 2021, for service. When reviewing the testimony of the Tenant, and given that the Landlord was not present at the hearing, I am not satisfied whether the Tenant served the Notice of Hearing package to the Landlord or not, pursuant to Rule 3.1 of the Rules of Procedure.

As such, I dismiss the Tenant’s Application with leave to reapply.

Conclusion

I dismiss the Tenant's Application 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: March 14, 2022

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Residential Tenancy Branch