



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT, CNC, AAT**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47;
- An order for the landlord to allow the tenant access to the unit pursuant to sections 32 and 70;

The tenant attended the hearing and was given the opportunity to make submissions as well as present affirmed testimony and written evidence. The hearing process was explained, and an opportunity was given to ask questions about the hearing process.

The landlord did not appear at the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional ten minutes to allow the landlord the opportunity to call. The teleconference system indicated only the tenant and I had called into the hearing. I confirmed the correct call-in number and participant code for the landlord had been provided.

Preliminary Issue – Service on Landlord

The tenant provided affirmed testimony that they served the landlord with the Notice of Hearing and Application for Dispute Resolution by registered mail sent on October 29,

2021 and deemed received by the landlord under section 90 of the *Act* five days later, that is, November 3, 2021.

The landlord submitted the mailing receipt as evidence which included the Canada Post Tracking Number.

Pursuant to the landlord's evidence and sections 89 and 90, I find the landlord served the landlord with the Notice of Hearing and Application for Dispute Resolution on November 3, 2021.

Preliminary Issue – Previous Decision

At the outset, the tenant stated that the parties had a previous hearing which resulted in a Decision dated December 13, 2021. The file number is referenced on the first page.

The Arbitrator in the previous Decision found there was no tenancy agreement between the parties.

As a determination has been made that there is no tenancy agreement, I find I have no jurisdiction to hear the application.

Conclusion

As I have no jurisdiction to hear this application, I dismiss the tenant's application without leave to reapply.

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 08, 2022

Residential Tenancy Branch