



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, OLC, MNDCT, FFT**

Introduction

This hearing was convened by way of conference call in response to an application for dispute resolution (“Application”) filed by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”). The Tenant applied for the following:

- an order cancelling a One Month Notice to End Tenancy for Cause pursuant to section 47;
- an order for that the Landlord comply with the Act, the *Residential Tenancy Regulations* and/or the tenancy agreement pursuant to section 62;
- a monetary order for compensation pursuant to section 67; and
- authorization to recover the filing fee for the Application from the Landlord pursuant to section 72.

A representative for the Landlord did not attend the hearing scheduled for 9:30 am. I left the teleconference hearing connection open for the entire hearing, which ended at 9:41 am, in order to enable a representative of the Landlord to call into this teleconference hearing. The Tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding (“NDRP”). I also confirmed from the teleconference system that the Tenant and I were the only ones who had called into this teleconference.

Preliminary Matter – Service of the NDRP on the Landlord

At the outset of the hearing, the Tenant stated he did not serve the Landlord with the NDRP. Rule 3.1 of the *Residential Tenancy Branch Rules of Procedure* states:

3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package

The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

See Rule 10 for documents that must be served with the Notice of Dispute Resolution Proceeding Package for an Expedited Hearing and the timeframe for doing so.

The Tenant admitted he did not serve the NDRP on the Landlord as required by Rule 3.1. The Tenant stated he wanted to withdraw his Application. As such, I dismiss the Application in its entirety.

Conclusion

The Application is dismissed in its entirety.

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: July 5, 2022

Residential Tenancy Branch