



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, PSF

Introduction

This hearing was convened as a result of the Tenant's application under the Residential Tenancy Act for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent dated July 17, 2022 pursuant to section 46; and
- an order that the Landlord provide services or facilities required by law pursuant to section 65.

The Tenant attended this hearing. The Landlord did not attend.

Preliminary Matter – Service of Dispute Resolution Documents

The Tenant stated that they were unable to serve the Landlord with the notice of dispute resolution proceeding package and the Tenant's documentary evidence. The Tenant confirmed they have since vacated the rental unit.

Based on the foregoing, I find the Landlord has not been served with notice of this hearing in accordance with the Act, and that the claims sought by the Tenant on this application are no longer applicable due to the change in circumstances.

Accordingly, I dismiss the Tenant's application with leave to re-apply. The parties are at liberty to make further claims in respect of this tenancy within the applicable time limits.

Conclusion

The Tenant's application is dismissed with leave to re-apply. Leave to re-apply does not extend any applicable limitation periods.

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: September 13, 2022

Residential Tenancy Branch