



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The hearing was conducted by conference call. The landlord did not attend the hearing.

Preliminary Issue: Service of Tenant's Application

The tenant testified that she sent a copy of the Application for Dispute Resolution and Notice of Hearing to the landlord by registered mail and that she was "pretty sure" she did so on September 4, 2022. The tenant did not provide any supporting documents as proof of service such as a registered mail receipt or tracking number. The tenant was given time during the hearing to orally provide a tracking number but she was not able to do so.

As the tenant was not able to provide a registered mail receipt or a tracking number, I am not satisfied the landlord has been served with the tenant's application for dispute resolution in a manner required by section 89 of the *Act*.

Conclusion

I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: November 24, 2022

Residential Tenancy Branch