



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, RP, LRE

### Introduction and Preliminary Matters

On August 16, 2022, 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”), seeking a repair Order pursuant to Section 32 of the *Act*, and seeking to restrict the Landlord’s right to enter pursuant to Section 70 of the *Act*.

The Tenant attended the hearing, with T.W. attending as an advocate for the Tenant; however, the Landlord did not attend at any point during the 37-minute teleconference. The Tenant confirmed that the other person named on the Application was not considered a tenant on this tenancy. As such, the Style of Cause on the first page of this Decision has been amended to reflect this correction. At the outset of the hearing, I informed the parties that recording of the hearing was prohibited and they were reminded to refrain from doing so. As well, all parties in attendance provided a solemn affirmation.

The Tenant advised that the Notice of Hearing and evidence package was served to the Landlord by posting it to the Landlord’s door. As this method of service for the Dispute Resolution Notice of Hearing package is not permitted under Section 89 of the *Act*, I am not satisfied that the Landlord has been sufficiently served.

Furthermore, the Tenant advised that there was a previous hearing related to this tenancy (the relevant file number is noted on the first page of this Decision), and she testified that it was determined in that hearing that the tenancy had ended already. However, she did not submit a copy of this previous Decision for consideration on this file.

Given that the tenancy was determined to be over already, even if I were to proceed with this hearing, it would not be possible to cancel a Notice for which the tenancy has already ended. As such, I dismiss the Tenant's Application without leave to reapply.

### Conclusion

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: December 19, 2022

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Residential Tenancy Branch