



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REALHOMES MANAGEMENT  
CORP. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing convened to deal with the tenant's application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The tenant applied for an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord.

The tenant attended the hearing; however, the landlord did not attend.

As the landlord was not present, the matter of service of the tenant's application and hearing documents was considered.

The tenant said she did not remember serving the landlord with her Application for Dispute Resolution, evidence, and Notice of Hearing (application package). The tenant said that the landlord did nothing wrong in this matter and the parties had resolved the matter shortly after the Notice was issued. Further, the tenant said she had given her written notice and was vacating the rental unit on January 31, 2023.

The tenant also said that the other listed tenant was her 5 year old son. As a result, I have excluded his name from the cover page of this Decision, as I find he is not a party to this dispute.

### Analysis and Conclusion

Section 59 (3) of the Act states that a person making an application for dispute resolution must give a copy of the application to the other party within 3 days of making it.

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 3.5 states that “at the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure”.

In the case before me, as the tenant confirmed that she did not serve their application package, including the notice of this hearing, to the landlord as required by the Act, I could not proceed on the tenant’s application in this hearing. Apart from that, the matters in the tenant’s application had been resolved much prior to the hearing.

I therefore **dismiss** the tenant’s application, **without leave to reapply**.

I make no findings on the merits of the matter. 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: January 05, 2023

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Residential Tenancy Branch