Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNC FF

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*") to cancel a 1 Month Notice to End Tenancy for Cause dated September 14, 2016 (the "1 Month Notice") and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and the Application for Dispute Resolution (the "Application") were considered. The tenant provided affirmed testimony that he did not serve the landlord with the Notice of Hearing or Application as he thought the Residential Tenancy Branch would serve the landlord.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and Application which the tenant is required to serve and is reminded of in the package the tenant received. The tenant confirmed during the hearing that he did not read the package he was provided by the Residential Tenancy Branch. Therefore, **I dismiss** the tenant's application **with leave to reapply** as the landlord has not been served with the Notice of Hearing and Application based on the affirmed testimony of the tenant. I note this decision does not extend any applicable time limits under the *Act.*

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act.*

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 17, 2016

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Residential Tenancy Branch