Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   CNL, FFT

<u>Introduction</u>

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with a *Tenant's Application for Dispute Resolution* filed under the *Residential Tenancy Act* ('the Act') to dispute a *Two Month Notice to End Tenancy for Landlord's Use of Property* on the basis the applicant and respondent do not have a landlord/tenant relationship to which the Act applies and there is pending litigation in the Supreme Court of British Columbia concerning this matter.

Two persons appeared on behalf of the applicant. There was no appearance on part of the respondent despite leaving the teleconference call open approximately 20 minutes.

Since the respondent did not appear, I explored service of the hearing materials upon the respondent. The applicant stated the Notice of Dispute Resolution Proceeding and other required materials contained in the proceeding package were not served to the respondent.

Section 59 of the Act provides that an Application for Dispute Resolution must be served upon the other party within three days of making the Application for Dispute Resolution. The requirement to serve the other party is in keeping with the principles of natural justice in that it puts the other party on notice as to the claims being made and the respondent is afforded the opportunity to respond and be heard at the scheduled hearing.

Since the respondent was not served with notification the application made and this proceeding, I declined to hear the matter any further and I make no findings of fact or law with respect to the dispute concerning the parties. Accordingly, I do not consider issuing an Order of Possession to the respondent under the Act.

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: February 10, 2022

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Residential Tenancy Branch