



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

On August 29, 2022, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) to cancel One-Month Notice to End Tenancy for Cause (the “Notice”) dated August 24, 2022. The matter was set for a conference call.

The Tenant and their Advocate (the “Tenant”) attended the conference call hearing and were affirmed to be truthful in their testimony. As the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered. Section 59 of the *Act* and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing within three days of the Notice of Dispute Resolution Proceeding Package being made available to the applicant by the Residential Tenancy Branch.

### **Documents that must be served with the Notice of Dispute Resolution Proceeding Package**

“The applicant must, within **three days** of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and

d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].”

The Tenant testified that the Application for Dispute Resolution and Notice of Hearing were served on the Landlord by Canada Post Registered mail. Two tracking number for the mail service were verbally entered into evidence for this service.

This Arbitrator attempted to confirm service of the Notice of Hearing documents by searching the tracking numbers provided by the Tenant. However, the tracking numbers provided could not be searched on the Canada Post online tracking site, which indicated the numbers were not valid Canada Post Tracking numbers.

As no other evidence of service was provided to these proceedings by the Tenant, I find that there is insufficient evidence before me to prove to my satisfaction that the Landlord had not been duly served in accordance with sections 59 of the *Act* and 3.1 of the Residential Tenancy Branch rules of procedure. Therefore, I dismiss the Tenant’s application with leave to reapply.

Additionally, when this Arbitrator attempted to deliver their final decision, verbally, for this case, the Tenant interrupted by speaking loudly over top of this Arbitrator. The Tenant became argumentative and disrespectful towards this Arbitrator. This Arbitrator ended these proceedings by repeating their final decision on the Tenant’s application and disconnecting all parties from these proceedings.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: January 17, 2023

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Residential Tenancy Branch