Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes: ET

Introduction

This Dispute Resolution hearing was convened to deal with the landlord's application for an order to end the tenancy early without notice to the tenant. The landlord and tenant both appeared.

Preliminary Matter

At the outset of the hearing the parties advised that the landlord had served the tenant with the Notice of Dispute Resolution Hearing, but failed to include a copy of the landlord's application with the particulars of the landlord's claim.

Section 59 of the *Act* states that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. A person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

Under Rule 3.1, the *Residential Tenancy Rules of Procedure* require that the applicant serve a copy of the Application for Dispute Resolution and also attach copies of the notice of dispute resolution proceeding letter from the Residential Tenancy Branch; the dispute resolution information package provided by the Residential Tenancy Branch; and any other evidence accepted by the Residential Tenancy Branch with the application.

I find that the landlord did not comply with the service provisions above and hereby dismiss this application on that basis with leave to reapply.

February 2010   _____

Date of Decision

                                                                  Dispute Resolution Officer