



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was due to hear the landlords' application for Dispute Resolution to obtain an Order of Possession for unpaid rent and a Monetary Order for recover unpaid rent.

The landlord testifies that he filed his application on January 12, 2011 but did not serve the tenant until January 20, 2011 with Notice of this hearing. Section 59 (3) of the Act states the person who makes an application for Dispute Resolution must give a copy of the application to the other party within three days of making it (my interpretation). The landlord states that he was too busy at that time to serve the tenant within the three days however being too busy does not constitute a serious or compelling reason why the hearing documents were not served within the prescribed time frame. Consequently, I find service of the hearing documents was not done in accordance with section 59(3) of the *Act*.

The landlord has not presented any evidence to support his claim and has not provided a copy of the 10 Day Notice to End Tenancy he claimed was served to the tenant.

Due to the above no hearing took place today and the landlords' application is dismissed with leave to reapply.

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 31, 2011.

Residential Tenancy Branch