



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      ET

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act") for an Order to End Tenancy Early (section 56) and for an Order of Possession.

The Landlord attended the conference call hearing. The Tenant did not.

The Landlord served a 10 Day Notice to End Tenancy to the Tenant for the non-payment of rent due in advance for February 1, 2011 in the amount of \$2,000.00. After filing for an application for Dispute Resolution asking for an *Order to End Tenancy Early*, the Landlord received information from the Residential Tenancy Branch to amend the application to request an Order of Possession based on the Notice to End Tenancy and then to serve the amended application with the Notice of Hearing. Despite receiving this information, the Landlord served the original application to the Tenants with the Notice of Hearing. As the application does not deal with the Notice to End Tenancy, I cannot accept that the Tenant was served with the proper application and Notice of Hearing, pursuant to Section 89 of the Act.

**Accordingly, I dismiss** the Landlord's application, with leave to reapply.

### Conclusion

The Landlord's 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: March 14, 2011.

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Residential Tenancy Branch