



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

The Landlord filed his application and received his hearing packages (containing the Application and Notice of Hearing) in this matter on May 24, 2011. The Landlord admitted that he served a hearing package on the Tenant and/or his co-tenant in person on May 29, 2011. Section 59 of the Act says that an applicant must serve their application on the other party no later than 3 days after filing it. I find that the Landlord did not serve his hearing package on the Tenant as required by s. 59 of the Act and as a result, his application is dismissed 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: June 15, 2011.

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Residential Tenancy Branch