



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction

This matter dealt with an application by the Landlords for an Order of Possession.

At the start of the conference call the Landlord said they only serviced the female tenant with the Notice of Hearing (the "Hearing package") and they were unable to confirm if the male in the unit was a tenant or an occupant. The Landlords said they did not have the tenancy agreement with them nor did they submit it into evidence. The Landlords said they did not know if the male tenant was named as a tenant or as an occupant and if he had signed the tenancy agreement or not. The purpose of serving documents under the *Act* is to notify the persons being served of their breach and notification of their rights under the *Act*. The landlord is seeking to end the tenancy due to a breach in the tenancy agreement for cause; however, the landlord has the burden of proving that the all tenants were served with the Hearing package as specified in the section 59 of the *Act*. As it is unclear who the tenants are in this dispute and the Landlord has not serviced both the tenants; I find the Landlord has not met the burden of proof that all the Tenants were serviced with the hearing documents. The Landlord's application is dismissed with leave to reapply.

### Conclusion

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: November 22, 2011.

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