



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

¹DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on January 4, 2012, the tenant was personally served Notice of this hearing. The notice of hearing was dated December 20, 2011, but was not given to the tenant until January 4, 2012.

Residential Tenancy Branch Rules of Procedure require service of the application and evidence at least 5 days prior to the hearing. The days, as indicated in the definitions, do not include the day of service or the day of the hearing.

As the tenant was not served with notice of this hearing at least 5 days prior to this hearing, I determined that the application would be dismissed with leave to reapply. The landlord did discuss the hearing with the tenant; however, in the absence of service of notice of the hearing as provided by the Rules of Procedure, I find that service has not been sufficient.

Conclusion

The 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 09, 2012.

Residential Tenancy Branch

