



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession.

Although served with the Application for Dispute Resolution and Notice of Hearing on February 14, 2012, by posting to the door of the rental unit the tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with

### Preliminary issue

When a dispute involves a notice to end tenancy, the notice to end tenancy must be submitted to the Residential Tenancy Branch. The landlord did not comply with the instruction on the landlord's application for dispute resolution and did not file a copy of the notice to end tenancy as required. The landlord could not provide an accurate account of the contents of the notice to end tenancy, as the landlord did not have a copy of the notice to end tenancy at the hearing.

Therefore, I dismiss the landlord application for an order of possession with leave to re-apply.

### Conclusion

The landlord application is dismissed with leave to re-apply.

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: February 29, 2012.

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Residential Tenancy Branch