



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Code: OPL, FF

### Introduction

This matter was heard by conference call in response to a Landlord's Application for Dispute Resolution (the "Application") for an Order of Possession for the Landlord's use of the property and to recover the filing fee.

Both parties appeared for the hearing. The Tenant explained that she did not know what this Application was about as she only got something stuck to her door on June 26, 2015. The Landlord explained that he failed to read and comply with the instructions to serve the documents for this hearing to the Tenant within three days of receiving them from the Residential Tenancy Branch.

As a result, the Landlord served a copy of his Application and the Notice of Hearing documents by posting them to the rental unit door on March 26, 2015, three days before the date of this hearing.

Section 59(3) of the Act provides that an Applicant making an Application must serve a copy of it along with the Notice of Hearing documents to the Respondent within three days of receiving the paperwork from the Residential Tenancy Branch. This service provision is also detailed within Fact Sheet 114 on the dispute resolution process which was provided to the Landlord at the time he made his Application. The Landlord acknowledged that he had not complied with the requirements of service for this hearing.

Therefore, I determined that as the Landlord has served the documents for this hearing to the Tenant without giving the Tenant sufficient opportunity to respond and know of the case being made against her, I was not satisfied that the Landlord had met the service provisions of the Act for this hearing. **Therefore, I dismissed the Landlord's Application with leave to reapply.**

However, I remained on the line with the parties to provide them with further information under the Act to help them resolve the issue.

The Tenant confirmed that she had been served with a notice to end tenancy for Landlord's use of property and explained that she had no desire to dispute it. The Landlord explained that he was only making the Application because he was under the impression that this was the next step he was required to follow after giving the Tenant the notice to end tenancy.

I began to explain the provisions of the notice to end tenancy to both parties and as I was doing so, for some unknown reason, both parties exited the hearing. I remained on the line for one hour after the hearing had started just in case there was an issue with the conference call system. However, neither party dialed back into the hearing. As the hearing had already been concluded, I terminated the conference call.

I would strongly encourage both parties to work together in moving forward with this tenancy. Each party may also call the Information Line to get further information on any outstanding issues in this tenancy using the contact details attached to this decision.

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 29, 2015

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Residential Tenancy Branch

