



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent or utilities (The "10 Day Notice").

An agent for the landlord (the "agent") attended the teleconference hearing. The tenant did not attend the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") and documentary evidence were considered. The agent provided contradictory testimony regarding the service on the tenant and when asked not to describe the service of the 10 Day Notice and to focus on the service of the Notice of Hearing, Application and documentary evidence, the agent again referred to a document that related to the service of the 10 Day Notice. The agent appeared to be unprepared for this hearing and was unable to satisfy me that the tenant was served in a method provided for under the *Act*. In addition, the agent was advised that there was no legible copy of the 10 Day Notice in the landlord's documentary evidence.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and Application. Therefore, **I dismiss** the landlord's application **with leave to reapply** as I am not satisfied that the tenant has been sufficiently served with the Notice of Hearing and Application in a manner provided for under the *Act*. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

The landlord is reminded that if intending to rely on a 10 Day Notice, a legible copy of that 10 Day Notice must be served in evidence in accordance with the Rules of Procedure.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 25, 2017

Residential Tenancy Branch