



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

These hearings dealt with an Application for Dispute Resolution by the landlord for an early end to tenancy and obtain an order of possession.

Both parties appeared.

### Preliminary and Procedural matters

At the outset of the hearing it was obvious that the tenant was recording the procedure. The tenant acknowledged that they were recording the proceeding. The tenant was instructed that they are not authorized to record the proceeding and must immediately turn off the recording the device. The tenant was cautioned that if any recording of this hearing or any future hearing be produced they may be subject to an administrative penalty up to \$5,000.00.

At the outset of the hearing the tenant stated that they were only served with the landlord's application for dispute resolution on January 2, 2018, as it enclosed in an evidence package for a different hearing that is scheduled for January 22, 2018, which was why their evidence was filed late.

The landlord was questioned on the issue of service as their application was filed on November 3, 2017. The landlord provided several dates; however, they were all dates that were before the Notice of Dispute Resolution Proceeding was produced by the Residential Tenancy Branch which was on November 7, 2017, and it would have had to been impossible to serve.

The landlord was given approximately 20 minutes to review their file; however, the landlord was disorganized and they were unable to provide the actual date of service within the time provided.

I find that I must accept the tenant evidence that they were served on January 2, 2018, which does not comply with the Rules of Procedures. Therefore, I dismiss the landlord's application for an early end to tenancy, as they were to serve their application within three days of receiving the documents from the Residential Tenancy Branch.

### Conclusion

The landlord's application is dismissed.

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 10, 2018

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Residential Tenancy Branch