



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The landlord participated in the teleconference, the tenant did not. The line remained open for twenty minutes to allow the tenant an opportunity to join the conference call. When I asked the landlord how the tenant was served the Notice of Hearing package and his application, he provided two different dates and two different means of service that he could not corroborate. The landlord then stated that in his documentary evidence, there is a photo of the tenant holding the Notice of Hearing Letter and Application for this hearing.

However, the photo the landlord is relying on is of the tenant holding a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities from March 2018 and is not in any way related to this hearing. The landlord was unable to satisfy me that the tenant had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the landlord's application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

Conclusion

The landlords' 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: October 01, 2018

Residential Tenancy Branch