



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### 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 an order of possession pursuant to section 56.

The tenant did not participate in the conference call hearing, which lasted approximately 15 minutes. The landlord and landlord's agent (collectively the "landlord") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that on November 3 or 4, 2018 the landlord left a copy of the landlord's application for dispute resolution hearing package on a landing area outside the unit. Section 89 of the *Act* establishes that when a landlord serves an application for dispute resolution in relation to an order of possession it must be served by leaving it directly with the tenant, by registered mail, by leaving a copy at the unit with an adult who resides with the tenant or by attaching a copy to a door or other conspicuous place at the unit. As the landlord did not serve the tenant with a copy of the dispute resolution hearing package in accordance with section 89(1) of the *Act*, I dismiss the landlord's application, with leave to reapply.

### Conclusion

I dismiss the landlord's entire application 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: November 22, 2018

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Residential Tenancy Branch