



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MOUNT WASHINGTON HOSTEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

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

- an order of possession for cause pursuant to section 55;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony. The landlord stated that the tenant was served with the notice of hearing package in person on January 22, 2019. The tenant disputes service stating that she found out about the hearing via an email reminder to submit evidence. The landlord stated that he does not have any proof of service. As such, I find on a balance of probabilities based upon the submissions of both parties that the landlord failed to properly serve the tenant with the notice of hearing package as per sections 88 and 89 of the Act. The landlord's application for dispute is dismissed with leave to reapply for lack of service.

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: February 22, 2019

Residential Tenancy Branch