



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALL HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

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

- an early end to tenancy and an order of possession, pursuant to section 56; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 11 minutes. The landlord's three agents attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. All three landlord agents confirmed that they had permission to represent the landlord company named in this application.

Preliminary Issue – Service of Landlord's Application

Landlord RS testified that the tenant was served with the landlord's application for dispute resolution hearing package by way of posting to his rental unit door. Landlord RS initially stated that it was served on July 6, 2019 and then claimed that it was on July 7, 2019.

I notified the landlord's three agents that both of the above service dates were before the landlord filed this application on July 16, 2019, and the notice of hearing was generated on July 18, 2018. The landlord's three agents were unable to provide another date for service of this application.

I find that the landlord was unable to provide a proper date to confirm service of this application to the tenant. Both the dates provided were before the landlord filed this

application and the notice of hearing was generated. The tenant did not appear at this hearing to confirm receipt of the landlord's application.

Accordingly, I find that the landlord failed to prove service in accordance with section 89 of the *Act* and the tenant was not served with the landlord's application.

At the hearing, I informed the landlord's three agents that I was dismissing this application with leave to reapply, except for the filing fee. I notified them that they would be required to file a new application and pay a new filing fee, if they wished to pursue this matter further. I cautioned them that they would have to prove service at the next hearing, including the date and method of service.

Conclusion

The landlord's application to recover the filing fee is dismissed without leave to reapply.

The remainder of the landlord's 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: August 02, 2019

Residential Tenancy Branch