



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

The landlord, represented by his son at this hearing, seeks an order of possession pursuant to a ten day Notice to End Tenancy and seeks a monetary award for unpaid rent.

None of the three respondent tenants attended the hearing within ten minutes after its scheduled start time at 9:30 a.m. on August 19, 2019. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord's representative and this arbitrator were the only ones who had called into this teleconference during that period.

Mr. A.G. testified under oath that the Notice of Dispute Resolution Proceeding was served on the tenant Mr. P.C. on June 30. He shortly corrected himself to say Mr. P.C. was served on June 29. The other tenants were not served with the application. Mr. A.G. testifies that an amendment to the monetary claim filed nine days before this hearing was served by him on Mr. P.C. as well.

The landlord has not filed a copy of the ten day Notice upon which he seeks an order of possession. This is in non-compliance with Rule 2.5 of the Rules of Procedure.

Mr. A.G. testifies that the ten day Notice was dated and served on the tenant Mr. P.C. by the landlord in Mr. A.G.'s presence on July 2.

I find that the failure to file a copy of the ten day Notice combined with the non-attendance of any of the tenants, who might have confirmed or admitted the ten day

Notice, causes me to dismiss the landlord's request for an order of possession. The landlord is free to issue another ten day Notice.

I find that the testimony about service of documents fails to show, on a balance of probabilities that the tenant Mr. P.C. or any other tenant was served with this application. According to Mr. A.G.'s testimony Mr. P.C. was served with the application days before he was served with the ten day Notice upon which part of the application is based.

I dismiss the landlord's claim for recovery of rent, but grant him leave to re-apply.

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 21, 2019

Residential Tenancy Branch