



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* ("Act"), I was designated to hear an application regarding the above-noted tenancy. The landlord applied 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 two tenants did not attend this hearing, which lasted approximately 15 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that she served the tenants with separate copies of the landlord's application for dispute resolution hearing package on September 13, 2019, by way of posting to their rental unit door. She guessed about this date, looking up information in her email, during the hearing. She then claimed that it was served on August 22, 2019, but then stated that was for a different application for a direct request proceeding. She then explained that it was served on September 12, 2019, after looking up a proof of service document online.

When I asked the landlord what documents were served to the tenants, she said that there were seven pages in the package. When I asked what the documents were, she said that I should have them in front of me. I notified the landlord that I had more than seven pages of documents on file. The landlord claimed that she was confused about which application this matter was about, because she submitted a notice to end tenancy and a direct request monetary order worksheet, which I did not receive with her application.

The landlord said that this was her first hearing, she did not know that she had to provide service information, she did not have the information in front of her during the hearing, and she had to look it up online. She explained that she sent in this information to the RTB.

I provided the landlord with 15 minutes during this hearing to search for the above service information. Despite me repeating my questions a number of times, since the landlord was confused about service, documents, and what this application was for, the landlord was unable to provide proper service information.

Accordingly, I find that the landlord did not serve the tenants with the required application for dispute resolution, notice of hearing and complete written evidence, as per section 89 of the *Act*.

I notified the landlord that her application was dismissed with leave to reapply, except for the filing fee. I informed her that she would be required to file a new application and provide proof of service at the next hearing, if she chooses to pursue this matter further.

Conclusion

The landlord's application to recover the \$100.00 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: October 04, 2019

Residential Tenancy Branch