



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes ET, FF

### 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;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail at the rental unit on February 7, 2020. The landlord has submitted a copy of the Canada Post Customer Receipt and Tracking label as confirmation of service (noted on the cover of this decision). The landlord further stated that he has been to the rental unit a few times and does not believe that the tenant resides there. The landlord believes that the tenant is currently in jail. The landlord further stated that the name provided by the tenant was a false name, but that he is unsure.

I accept the undisputed affirmed evidence of the landlord and find that the landlord has failed to serve the tenant. Although the landlord followed the proper format in serving a respondent with the notice of hearing package, the tenant cannot receive the package and has not been given an opportunity to attend the hearing in response to this claim. On this basis, the landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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 21, 2020

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Residential Tenancy Branch