



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STRATTON VENTURES
LTD and [tenant name suppressed to protect
privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing, by teleconference, was held on March 2, 2020. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities; and,
- to recover the filing fee from the Tenant for the cost of this application.

The Landlord attended the hearing. However, the Tenant did not. The Landlord testified that they posted the Notice of Dispute Resolution package to the Tenant's front door on December 17, 2019. The Landlord reiterated twice that they posted the Notice of Dispute Resolution package to the Tenant's front door on December 17, 2019. The Landlord also stated that they served the Tenant with their evidence package on February 12, 2020, by posting it to the Tenant's front door but stated that this was only the evidence, and not the Notice of Dispute Resolution.

After reviewing file before me, I note there were two Notice's of Dispute Resolution which were generated by our office. The first Notice was not generated or made available until December 19, 2019, and the second was not generated until January 2, 2020. I note the Landlord reiterated twice that they served the Tenant with the Notice of Dispute Resolution by posting it to her door on December 17, 2019. However, I find it would not be possible for the Landlord to have served the Tenant with the Notice of Dispute Resolution in the manner she stated she did, on December 17, 2019, given neither of the two Notice's of Dispute Resolution had been generated or made available to the Landlord at that time. Ultimately, I do not find there is sufficient evidence that the

Landlord served the Tenant with the Notice of Dispute Resolution for the participatory hearing.

Administrative fairness is paramount in these hearings, and it is important for the respondent to be sufficiently served in accordance with the Act.

As the Notice of Hearing has not been sufficiently served for the purposes of this *Act*, I dismiss the Landlord's application in full, with leave to reapply.

Conclusion

I dismiss the Landlord's application in full, 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: March 02, 2020

Residential Tenancy Branch