Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR-DR

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act)*, I was designated to hear an application regarding the above-noted tenancy. The landlord applied for an order of possession for unpaid rent, pursuant to sections 46 and 55 of the Act.

Only the landlord attended the hearing, represented by NM (the landlord). I waited until 9:46 A.M. to enable the tenant to connect with this teleconference hearing scheduled for 9:40 A.M.

The landlord testified he did not serve the Notice of Hearing.

Rule of Procedure 3.1 states:

> **3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package**
> The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:
> a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
> b) the Respondent Instructions for Dispute Resolution;
> c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
> d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

Based on the foregoing, I find that the landlord did not serve the notice of hearing and evidence package.

Conclusion

I dismiss the landlord's application for an order of possession 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 1, 2020

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Residential Tenancy Branch