



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, made on April 25, 2020 (the "Application"). The Landlord applied for an order of possession pursuant to section 56 of the *Residential Tenancy Act*.

The Landlord attended the hearing and provided affirmed testimony. The Landlord was accompanied by three witnesses: R.D., N.H., and B.H. N.H. and B.H. did not participate during the hearing. The Tenants did not attend the hearing.

The Landlord testified the Notice of Dispute Resolution Proceeding was served on the Tenants by email on April 28, 2020. However, during the 22-minute hearing the Landlord was unable to refer me to a copy of the email sent to the Tenants on that date. Further, the Landlord was unable to refer me to any acknowledgement by the Tenants to confirm these documents were received or that the email addresses used for service were routinely used by the parties to correspond about tenancy matters, as required in the Director's Order dated March 30, 2020.

Principles of natural justice and procedural fairness require that parties to a dispute resolution proceeding be made aware of the claims against them, receive the evidence being relied upon, and be provided an opportunity to respond to the claims. In this case, I find I am not satisfied the Notice of Dispute Resolution Hearing was served on the Tenants in accordance with the *Residential Tenancy Act* or the Director's Order referred to above. As a result, the 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: May 14, 2020

Residential Tenancy Branch