



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act"), for:

- an early end to tenancy and an order of possession, pursuant to section 56.

The tenant did not attend this hearing, which lasted approximately 10 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 he served the tenant with a copy of the landlord's application for dispute resolution hearing package by way of posting to the tenant's rental unit door with a witness present.

When I asked the landlord about the date of service, he stated that he did not know as he did not have his information in front of him during the hearing. The landlord was looking at a calendar and photographs during the hearing in order to try and determine the date of service. Initially, he indicated that he served the application on June 2, 2020, but then stated that his application was made on June 22, 2020, so he could not have served it on June 2. He then claimed that it must have been on June 23, 2020, the day after he made this application but stated that he was guessing this date.

Accordingly, I find that the landlord did not serve the tenant with the landlord's application, as required by section 89 of the Act. The landlord was guessing the dates of service and one date, June 2, 2020, was prior to the application being filed on June 22, 2020. The landlord claimed that he was guessing about the June 23, 2020 date, stating that he had to look up photograph dates. The landlord was given ample time during the hearing to look up information and to provide the correct date of service.

I notified the landlord that his application was dismissed with leave to reapply. I informed him that he would be required to file a new application, pay a new filing fee, and provide proof of service at the next hearing, if he chooses to pursue this matter further. The landlord confirmed his understanding of same.

Conclusion

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: July 07, 2020

Residential Tenancy Branch