



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FFL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Tenant states that the Landlord did not serve the Tenant with the application for dispute resolution and notice of hearing and does not wish to proceed with this hearing. The Landlord’s legal counsel confirms that the application for dispute resolution was not given to the Tenant.

In order to start proceedings section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. Based on the undisputed evidence that the Landlord did not serve the Tenant with its application for dispute resolution I dismiss the claim for an order of possession with leave to reapply. The claim for recovery of the filing fee is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 04, 2020

Residential Tenancy Branch