



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on October 8, 2020. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- An order of possession based off a 2-Month Notice to End Tenancy.

The Landlord attended the hearing, but the Tenants did not. The Landlord provided tracking information to show that she sent her Notice of Hearing and evidence to the Tenants by registered mail on September 25, 2020. I note this package was delivered on September 29, 2020. I also note the Landlord filed her application on August 24, 2020, and was given the Notice of Hearing to serve to the Tenants on August 25, 2020.

The Landlord explained that she made a mistake, and didn't see the email. As a result, she did not serve the documentation until a month after she received the package from our office.

As explained during the hearing, the Landlord served the Notice of Hearing and her evidence late. I note the following Rule of Procedure:

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].*

See Rule 10 for documents that must be served with the Notice of Dispute Resolution Proceeding Package for an Expedited Hearing and the timeframe for doing so.

I find the Landlord's late service of the Notice of Hearing is prejudicial to the Tenants, and it was served contrary to the Rules of Procedure. Ultimately, the Landlord missed several deadlines, and after considering the totality of the situation, I dismiss the Landlord's application, in full, with leave to reapply.

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: October 08, 2020

Residential Tenancy Branch