



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Singla Brothers Holdings Ltd
and [tenant name suppressed to protect privacy]

Dispute Codes

ET FF

DECISION

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided testimony. However, the Tenant did not appear.

Preliminary Matters – Service

The Landlord explained that when she filed this application for an expedited hearing, she mistakenly provided the Tenant's phone number as her own. The Landlord applied for this hearing on December 24, 2020, and indicated that she would like to pick up the Notice of Hearing package. No email was provided as an alternative method of contact, and the Landlord only provided an incorrect phone (she gave the Tenant's phone number rather than her own) number as means to contact her. Consequently, when our office attempted to call the Landlord on December 29, 2020, to say that the Notice of Hearing was now available to pick up (at the phone number provided) the Landlord could not be reached.

After reviewing the file and the testimony, I note the Notice of Hearing was made available on December 29, 2020, but since the Landlord did not provide accurate contact information, the Landlord did not receive notification that the hearing package was available to serve to the Tenant. However, I note this is the Landlord's responsibility to provide accurate and up to date contact information, particularly with

these expedited hearings, which have a compressed timeline for service, as compared to other hearing types.

The Landlord emailed our branch on January 15, 2021, and provided correct contact information at that time. Shortly thereafter, the Landlord obtained the Notice of Hearing package but the Landlord was not able to serve the Tenant with the Notice of Hearing package until January 18, 2021, which is the date they personally gave it to the Tenant.

I note the following Rules of Procedure:

Rule 10 - Expedited Hearings

If any time limit in this rule conflicts with the time limit in another rule, the time limit in this rule applies to the expedited hearing.

10.3 Serving the notice of dispute resolution proceeding package

*The applicant **must**, within one day 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:*

- the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;*
- the Respondent Instructions for Dispute Resolution;*
- an Order of the director respecting service;*
- the Expedited Dispute Resolution Process Fact Sheet (RTB-114E) provided by the Residential Tenancy Branch; and*
- evidence submitted to the Residential Tenancy Branch online or in person, or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 10.2 [Applicant's Evidence Relating to an Expedited Hearing].*

The Notice of Hearing package was made available to the Landlord on December 29, 2020. However, due to a mistake on her application, she was delayed in getting the hearing package, and as a result it took her nearly 3 weeks to serve the Notice of Hearing. I note the Tenant was not served until 3 days before the hearing, which is not even close to being within the allowable time frame. Given this occurred directly as a result of the Landlord's own error, I find the Landlord has not sufficiently served the Notice of Hearing, and the dispute resolution proceeding package in accordance with

the Act and the Rules of Procedure. As such, I dismiss this application, in full, with leave to reapply.

The Landlord may re-apply but must serve all documentation in accordance with the Rules of Procedure. Alternatively, the Landlord may wish to pursue an order of possession via the 1-Month Notice they have already issued.

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: January 21, 2021

Residential Tenancy Branch