



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, OPR-DR-PP, FFL

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date concerning an application made by the landlord seeking an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application. The landlord's application was made by way of the Direct Request process, which was referred to this participatory hearing.

The landlord attended the hearing with another person to assist, however the line remained open while the telephone system was monitored for more than 15 minutes and no one for the tenant joined the call.

The landlord advised that the tenant was served with the Hearing Package by registered mail on December 22, 2020, however the notice of hearing provided to the landlord to serve on the tenant is dated November 5, 2020.

The landlord has provided evidentiary material, including a Decision resulting from a hearing on November 17, 2020. The Decision states that the tenant's application to cancel a notice to end the tenancy was dismissed and the landlord was provided with an Order of Possession effective on 2 days' notice to the tenant.

The case file indicates that on November 5, 2020 the landlord's application was referred to this participatory hearing because the tenant had disputed a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and there was not enough time to schedule the landlord's application to be heard with the tenant's dispute. An email was sent to the landlord advising of that information, and that the landlord was to serve the notice of hearing by November 8, 2020.

Since the landlord has not served the tenant with the hearing package within 3 days, I dismiss the landlord's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this application.

Conclusion

For the reasons set out above, the landlord's application is hereby 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: January 25, 2021

Residential Tenancy Branch