



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SKYLINE LIVING  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNRL-S, MNDCL-S, FFL

### Introduction and preliminary matters

On November 24, 2020, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on the Notice pursuant to Section 46 of the *Residential Tenancy Act* (the “*Act*”), seeking a Monetary Order for unpaid rent pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

G.M. and T.E. attended the hearing as agents for the Landlord. The Tenant did not attend the hearing at any point during the 22-minute teleconference. All parties in attendance provided a solemn affirmation.

G.M. advised that the Notice of Hearing and evidence package was served to the Tenant by registered mail on December 8, 2020 (the registered mail tracking number is noted on the first page of this Decision). Records indicate that the Notice of Hearing package was provided to the Landlord on December 3, 2020 and Rule 3.1 of the Rules of Procedure requires that this package be served within 3 days. T.E. advised that she attempted to serve this package to the Tenant personally, three separate times. However, as she was unable to, this package was then sent back to the company’s head office in Ontario for them to serve the package to the Tenant by registered mail.

Given that this step was entirely unnecessary, and as there is no reason why this package could not have been served locally on October 6, 2020 by registered mail, I am not satisfied that this package was served in accordance with the timeframe requirements of the Rules of Procedure. As such, I dismiss this Application with leave to reapply.

As the Landlord was not successful in this Application, I find that the Landlord is not entitled to recover the filing fee.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: February 9, 2021

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Residential Tenancy Branch