



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlord's adjourned Application filed under the *Residential Tenancy Act* (the "Act") for an early end of tenancy pursuant to section 56 of the Act. The matter was set for a conference call.

Two Agents for the Landlord (the "Landlord") attended the hearing and were each affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the Act and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Landlord testified that they had served the Notice of Hearing Documents for these proceedings; on March 31, 2021, by registered mail, a registered mail tracking number was provided as proof of service.

I have reviewed the Notice of Hearing Documents, noting that these documents were created by the Residential Tenancy Branch on March 15, 2021, and sent to the Landlord that same day by email. The Landlord was asked to explain the delay in service of 16 days of these documents to the Tenant. The Landlord testified that they were busy and that March 31, 2021, was the first available time they had to send the documents.

Rule 10.3 of the Residential Tenancy Branch Rules of procedure states the following regarding service of the notice of Dispute Resolution Proceeding Package:

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].

As it took the Landlord 16 days to send the Notice of Dispute Resolution Proceeding Package to the Tenant, I find that the Tenant had not been duly served in accordance with sections 10.3 of the Residential Tenancy Branch rules of procedure. Therefore, I dismiss the Landlord's application 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: April 16, 2021

Residential Tenancy Branch