



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SINGLA BROS HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes ET FFL

### Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution, seeking to end the tenancy early via an order of possession based on section 56 of the Act for health or safety reasons and to recover the cost of the filing fee.

An agent for the landlord, MH (agent) attended the teleconference hearing. The agent was affirmed, and the hearing process was explained. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated March 26, 2021 (Notice of Hearing) was considered. The agent testified that the Notice of Hearing was posted to the tenant's door on March 25, 2021.

As the Notice of Hearing was not created until March 26, 2021, I find that it could not have been served on March 25, 2021. Therefore, **I find** the tenant has not been served in accordance with the Act.

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing. Therefore, **I dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the Act.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

I do not grant the filing fee due to a service issue.

This decision will be emailed to both parties as confirmed by the agent during the hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 23, 2021

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Residential Tenancy Branch