



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACIFIC QUORUM PROPERTIES  
INC and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) to end the tenancy early by way of an order of possession under section 56 of the Act, plus the filing fee.

The tenants, an advocate for the tenants, IC (advocate) and an agent for the landlord, JE (agent) attended the teleconference hearing. The parties were affirmed and the hearing process was explained. The parties were also permitted to ask questions.

### Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the parties were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Neither party had any questions about my direction pursuant to RTB Rule 6.11.

In addition, the parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

The advocate stated that the tenants only received page 1 of 3 of the Notice of Dispute Resolution Hearing (Notice of Hearing) and as a result, had no instructions on how to upload evidence or respond to the application. The agent was unsure if anything more than the first of three pages were served on the tenants.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing process without having received the entire 3 pages of the Notice of Hearing. Therefore, I **dismiss** the landlord's application **with leave to reapply** as I am not satisfied that the tenants have been sufficiently served with the Notice of Hearing, which also contains the application. I note this decision does not extend any applicable time limits under the Act.

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

### 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.

This decision will be emailed to the parties as noted above.

The filing is not granted due to the service issue.

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: July 12, 2021

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Residential Tenancy Branch