



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on June 03, 2021 (the “Application”). The Landlord applied for an order ending the tenancy early pursuant to section 56 of the *Residential Tenancy Act* (the “Act”).

The Landlord and Legal Counsel attended the hearing. Nobody attended the hearing for the Tenant. I explained the hearing process to Legal Counsel. I told Legal Counsel they were not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”).

The Landlord submitted evidence prior to the hearing. The Tenant had not submitted evidence.

Legal Counsel advised at the outset of the hearing that the Landlord was picking up the hearing package at the time of the hearing. The Landlord joined the hearing late and advised that the hearing package had not been served on the Tenant as the Landlord picked up the hearing package at the time of the hearing.

As explained to the Landlord and Legal Counsel, the hearing package had to be served on the Tenant pursuant to the *Residential Tenancy Act* and Rules:

59 (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

### 3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package

The applicant must, within three days 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:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

Given the hearing package was not served on the Tenant, the Application is dismissed with leave to re-apply. This decision does not extend any time limits set out in the *Act*.

### Conclusion

The Application is dismissed with leave to re-apply. This decision does not extend any time limits set out in the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: July 23, 2021

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Residential Tenancy Branch