



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPQ, FFL

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "Act") made on June 10, 2021. The Landlord applied to enforce a Two Month Notice to End Tenancy for Landlord's Use of the Property: tenant ceases to qualify for rental unit (the "Notice") issued on April 26, 2021, and to recover the filing fee paid for the application. The matter was set for a conference call.

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

The Landlord testified that the Application for Dispute Resolution, and Notice of Hearing document had been posted to the front door of the rental unit. The Landlord was unable to testify as to the date the Notice of Hearing was served, nor did they provide any documentary evidence to prove that the Notice of Hearing document had been served to the Tenant. Due to the lack of evidence to support the Landlord's claim that the Notice of Hearing documents had been served, I find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Landlord application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

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: October 8, 2021

Residential Tenancy Branch