



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. The Landlord confirms that they made their application on September 21, 2021, and was given the application for dispute resolution, notice of hearing and evidence (the “Hearing Package”) by the Residential Tenancy Branch (the “RTB”) to be served to the Tenants no later than October 1, 2021. The Landlord served the Hearing Package by registered mail on November 15, 2021. It is noted that this postal evidence indicates this mail was sent to a different city than the dispute address. It is noted that the Landlord did not set out any details of the notice to end tenancy for cause in the application and did not provide a copy of that notice to the RTB.

Section 59(3) of the Act provides that 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. Section 59(2(b)) of the Act provides that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. As the Landlord did not serve the Hearing Package within the time allowed under the Act and as there are no particulars in relation to the notice to end tenancy contained in the application, I

dismiss the application with leave to reapply. Leave to reapply is not an extension of any limitation period.

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

Dated: February 03, 2022

Residential Tenancy Branch