



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution an order of possession through the expedited hearing process.

The hearing was conducted via teleconference and was attended by two agents for the landlord.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting them on the door of the rental unit on February 4, 2022 and by registered mail on February 5, 2022 in accordance with Section 89

However, the landlord also had submitted evidence, dated January 17, 2022, that the tenant had been released from custody with a condition that restricted him from attending the residential property to one time to obtain his personal possessions but only in the presence of a Peace Officer.

The landlord confirmed that no one has seen the tenant at the property and there is no access fob activity associated with the tenant's fob since January 14, 2022. The landlord also has confirmed that the packages remain, as of the date of this hearing, attached to the rental unit door.

As a result, I am not satisfied that the tenant has been sufficiently served with notice of the hearing.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession to end the tenancy early and without a Notice to End Tenancy and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 56, 67, and 72 of the *Act*.

Conclusion

As I am not satisfied that the tenant has been served with notice of this hearing, I dismiss the landlord's Application for Dispute Resolution, 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: February 18, 2022

Residential Tenancy Branch