



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession based on an undisputed 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and to recover the cost of the filing fee.

Only the landlord appeared. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified that they never received any documents from the Residential Tenancy Branch (the "RTB") to serve upon the tenant and thought it would be done by the RTB. The landlord indicated that they recently contacted the RTB. I note the digital files shows the landlord called the RTB on April 12, 2022 (today) at 12:57pm and another copy of the documents were sent to the landlord at the email address they provided in their application.

In this case, the digital file shows the landlord was sent on January 26, 2022, copies the Applicant instruction, Dispute Notice, Respondent instruction, and RTB-114 Dispute Fact sheets to the email address they provided, which was the same email used to send the documents sent today. I find it highly unlikely that the documents were not received on January 26, 2022, as the landlord called in for information for today hearing 32 minutes before the hearing.

However, whether there was a technical issue or not, I find I cannot proceed with the hearing as the tenant has not been served in accordance with section 89 of the Act. Therefore, I decline to hear this matter due to lack of service on the tenant. Therefore, I

dismiss the landlord's application with leave to reapply. The landlord is at liberty to reapply.

Conclusion

The landlord's application is dismissed 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: April 13, 2022

Residential Tenancy Branch