



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL

Introduction and Preliminary Matter

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a residential tenancy dispute. On March 13, 2022 the landlord applied for:

- an order of possession, having issued a One Month Notice to End Tenancy; and
- the filing fee.

The hearing was attended by the landlord, but not the tenant. The landlord was affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The landlord testified that he served the Notice of Dispute Resolution Proceeding (NDRP) on the tenant, but did not know when and how.

Rule 3.5 of the [Rules of Procedure](#) states:

3.5 Proof of service required at the dispute resolution hearing

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

As the landlord was not able to provide any particulars on his service of the NDRP on the tenant, provided no proof of service, and the tenant was not present at the hearing, I find the landlord has not demonstrated that the tenant was served with the NDRP as required.

Therefore, 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: June 28, 2022

Residential Tenancy Branch