



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'AKOLA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPQ, FFL

Introduction

This hearing was scheduled to convene at 1:30 p.m. on August 11, 2022 concerning an application made by the landlord seeking an Order of Possession because the tenants no longer qualify for subsidized housing, and to recover the filing fee from the tenants for the cost of the application.

An agent for the landlord attended the hearing, however the line remained open while the telephone system was monitored for over 10 minutes and no one for the tenants joined the call.

The landlord's agent submitted that the tenants were served with the Notice of Dispute Resolution Proceeding and all other required documents and evidence by registered mail on April 27, 2022 and that the tenants retrieved the mail on April 29, 2022. The landlord's agent does not know why the property manager who sent the documents waited until that day to serve the documents, and has no further submission to make with respect to service.

The *Residential Tenancy Act* states 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."

In this case, the landlord made the application on April 12, 2022 and was provided with the Notice of Dispute Resolution Proceeding from the Residential Tenancy Branch to serve to the tenants on April 21, 2022. The landlord's agent has no submission with respect to the reason for the delay. Therefore, I decline to specify a different period within which the landlord may serve the tenants.

The landlord's application is dismissed with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the landlord's application is hereby 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: August 11, 2022

Residential Tenancy Branch