



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL (x3), OPR-DR, MNR-DR

Introduction

The Landlord filed an Application for Dispute Resolution (the “Application”) on January 25, 2022, in a then-continuing tenancy, to recover money for unpaid rent, and to recover the filing fee for the Application.

The Landlord filed a separate Application on February 16, 2022, for an Order of Possession associated with the 10 Day Notice to End Tenancy for Unpaid Rent (the “first 10-Day Notice”) they issued on January 17, 2022. They also applied for a monetary order for rent not paid, and the filing fee.

Again, on April 6, 2022, they filed for an Order of Possession associated with another 10-Day Notice to End Tenancy for Unpaid Rent (the “second 10-Day Notice”) they issued on March 25, 2022. They also applied for a monetary order for rent not paid, and the filing fee.

Given that the Landlord initially filed for a hearing on January 25, 2022, the Residential Tenancy Branch joined their two subsequent applications concerning the same tenancy. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on August 8, 2022. The Landlord attended the hearing; however, the Tenant did not attend.

Preliminary Matter – Landlord notice to the Tenant

To proceed with this hearing, I must be satisfied that the Landlord made reasonable attempts to serve the Tenant with this Notice of Dispute Resolution Proceeding. This means the Landlord must provide proof that the document was served in a method allowed under s. 89(2) of the *Act*, and I must accept that evidence.

Additionally, the *Residential Tenancy Branch Rules of Procedure* are crafted to ensure a fair process; these specify the documents to be served by the application (here, the Landlord) to

the respondent (here, the Tenant). These are: the Notice of Dispute Resolution; a process fact sheet; and other evidence submitted by the applicant.

The Landlord in the hearing stated they taped the notice of this hearing to the Tenant's door on the same day they received it from the Residential Tenancy Branch. The Landlord did not provide adequate proof -- in the form of a witness statement or photos showing their service -- that they served the Notice of Dispute Resolution to the Tenant. Their subsequent applications via Direct Request were joined to their original Application, and there was no evidence the Landlord sent that information to the Tenant either.

I find the Landlord did not provide a copy of the Notice of Dispute Resolution Proceeding -- that document that is generated when a person applies for dispute resolution -- to the Tenant. The *Act* requires proper service in line with administrative fairness in this process in which a party's legal rights and/or obligations are challenged. I dismiss each of the Landlord's Applications for Dispute Resolution for this reason.

Conclusion

I dismiss each of the Landlord's Applications, with leave to reapply. This decision does not impact any deadlines set forth in the *Act*. The Landlord's claim for reimbursement of the filing fees is dismissed for each Application, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 9, 2022

Residential Tenancy Branch