



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPR-DR, MNR-DR, FFL**

Introduction

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act (“the Act”) for orders as follows:

- for an order of possession pursuant to section 55 of the Act
- for a monetary order for unpaid rent pursuant to section 67 of the Act
- for reimbursement of the filing fee pursuant to section 72 of the Act

The landlord appeared by agent PP. The tenant did not appear. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The parties confirmed they were not recording the hearing pursuant to RTB Rules of Procedure 6.11. The parties were affirmed.

Preliminary Issue

On November 16, 2022 an interim decision was made to adjourn this matter for a full hearing after the landlord applied for a Direct Request hearing. The adjudicator found that the tenant’s address on the residential tenancy agreement, the 10 Day Notice, and the Proof of Service Notice to End Tenancy did not match the rental address listed on the Application for Dispute Resolution and the Proof of Service Landlord’s Notice of Direct Request Proceeding. I find based on the evidence at the hearing that the address on the dispute notice is in error. I also considered the photo included in the landlord’s evidence package showing the evidence package is also addressed incorrectly to the wrong address. Therefore, the landlord has not complied with sections 88 and 89 of the

Act and I am not satisfied that the tenant has been properly served with the dispute notice and application.

Due to lack of proper service of the dispute notice and evidence package, 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: January 4, 2023

Residential Tenancy Branch