



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

This hearing dealt with an application for dispute resolution under the *Residential Tenancy Act* (the Act).

On August 15, 2022, the landlords filed for:

- an order of possession, having issued a 10 Day Notice to End Tenancy for Unpaid Rent
- a monetary order, having issued the 10 Day Notice; and
- recovery of the filing fee.

The hearing was attended by one of the landlords, but neither of the tenants. The landlord was affirmed and made aware of Residential Tenancy Branch [Rule of Procedure](#) 6.11 prohibiting recording dispute resolution hearings.

The landlord did not provide proof of service of the Notice of Dispute Resolution Proceeding (NDRP) package on the tenants.

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 did not provide particulars on her service of the NDRP on the tenants, provided no proof of service, and the tenants were not present at the hearing, I find the landlord has not demonstrated that the tenants were served with the NDRP as required.

Therefore, the landlords' 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: February 06, 2023

Residential Tenancy Branch