



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      ET FFL

### Introduction and Preliminary and Procedural Issues

This hearing dealt with a landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) to end the tenancy early under section 56 of the Act to obtain an order of possession and to recover the cost of the filing fee.

The agent/property manager for the landlord, JZ (agent) attended the teleconference hearing and was affirmed. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated January 11, 2023 (Notice of Hearing) and application were considered. The agent testified first about the 1 Month Notice, which was not related to this hearing. As a result, the agent was specifically asked when they served the tenant with the Notice of Hearing and application, to which the agent testified "December 10<sup>th</sup>".

In addition to the above, the landlord also failed to list the rental unit address on the tenant's details in their application and even more problematic, the landlord wrote an email address for Devon Properties as the email address for the tenant. The agent admitted that those were errors.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the landlords' application **with leave to reapply** as I am not satisfied the tenant has been served in accordance with RTB Rule 3.1 and Guideline 12. I note this decision does not extend any applicable time limits under the Act.

In the future, the agent is reminded to ensure the rental unit address listed for the tenant is fully complete, that they do not use a landlord email address for a tenant, and that they are prepared to prove service at the outset of a dispute resolution hearing.

The agent confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the landlord was not aware of an email address for the tenant, this decision will be sent by regular mail to the tenant.

I do not grant the filing fee due to the service issues described above.

### Conclusion

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

This decision does not extend any applicable time limits under the Act.

I do not grant the filing fee due to the service issues.

This decision will be emailed to the landlord and sent by regular mail to the tenant.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 6, 2023

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Residential Tenancy Branch