



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with an application filed by the landlord pursuant the *Residential Tenancy Act* (the “Act”) for an order to end the tenancy early due to circumstances where it would be unreasonable, or unfair to the landlord or other occupants to wait for a Notice to End Tenancy for Cause to take effect pursuant to section 56.

The tenant did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing which commenced at 9:30 a.m. and ended at 9:50 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing and was given the opportunity to be heard and to provide testimony.

### Preliminary Issue

As the tenant was not present for the hearing, I inquired whether the landlord had served the tenant with the Notice of Dispute Resolution Proceedings so that the tenant knew the hearing was taking place today and had the access codes to call in. The landlord testified that although she served the tenant with her evidence package personally on April 5, 2023, she did not print Notice of Dispute Resolution Proceedings package sent to her from the Residential Tenancy Branch.

The landlord testified that she misunderstood the instructions sent to her from the Residential Tenancy Branch and believed the Residential Tenancy Branch would notify the tenant of the hearing.

The landlord seeks an early end to the tenancy and this type of hearing is governed by Rule 10 of the Residential Tenancy Branch rules of procedure for Expedited Hearings. Rule 10.3 states:

### **10.3 Serving the notice of dispute resolution proceeding package**

The applicant must, within one day of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- the Respondent Instructions for Dispute Resolution;
- an Order of the director respecting service;
- the Expedited Dispute Resolution Process Fact Sheet (RTB-114E) provided by the Residential Tenancy Branch; and
- evidence submitted to the Residential Tenancy Branch online or in person, or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 10.2 [Applicant's Evidence Relating to an Expedited Hearing].

The landlord filed a proof of service form #RTB-9 indicating she served the above noted documents however the landlord testified that she did not print the documents noted in the first 4 bullets and serve the tenant with them. Consequently, I find the landlord did not comply with Rule 10.3 and serve the tenant with the required documents.

Accordingly, I dismiss this application with leave to reapply.

### Conclusion

The 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: April 21, 2023

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Residential Tenancy Branch