



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **OPR, MNRL-S, FFL**

Introduction

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act (“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

Landlord AH appeared. The tenant did not appear. The landlord was given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The landlord testified that he served the 10 Day Notice dated December 7, 2022, by attaching it to the door of the rental unit and provided a video in evidence as proof of service. Pursuant to sections 88 and 90 of the Act the tenant is found to have been served with this notice on December 10, 2022 in accordance with the Act.

The landlord testified that he served the dispute notice and evidence package on the tenant by email on December 21, 2022. The landlord did not provide proof of service of the dispute resolution package in evidence.

The landlord testified that the tenant has vacated the rental unit.

RTB Rules of Procedure Rule 3.5 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 Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

As proof of service of the applicant landlord's package was not provided in evidence, I find that the landlord has not established that the dispute package was served on the applicant. I therefore dismiss the landlord's application with leave to reapply.

Conclusion

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: April 25, 2023

Residential Tenancy Branch