



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNRL-S

Introduction

The Landlord applied for dispute resolution (Application) and seeks the following:

- an Order of Possession on an undisputed 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) under section 55(2)(b) of the *Residential Tenancy Act* (the Act);
- compensation for unpaid rent under sections 26 and 67 of the Act; and
- to retain the security deposit under section 38 of the Act

The Applicant Landlord and their Translator called into this teleconference at the date and time set for the hearing of this matter. The Landlord affirmed to tell the truth during the hearing and was given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Although I waited until 11:15 AM to enable the Respondent Tenant to connect with this teleconference hearing scheduled for 11:00 AM, the Tenant did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. During the hearing, I also confirmed from the online teleconference system that the Landlord and I were the only parties who had called into this teleconference.

Rule 7.3 of the *Rules of Procedure* allows a hearing to continue in the absence of the respondent.

The Notice of Dispute Resolution Package (Materials) were provided to the Landlord by the Residential Tenancy Branch on February 8, 2023. The Landlord testified they served the Materials on the Tenant on April 23, 2023 in person. They stated the delay in serving the Tenant was because they were not sure if the hearing would be required.

Analysis

Rule 3.1 of the *Rules of Procedure* states that an applicant must serve the respondent with the Materials within 3 days of them being made available by the Residential Tenancy Branch.

Based on the Landlord's testimony, I find that the Landlord did not serve the Materials to the Tenant in accordance with the *Rules of Procedure*.

Therefore, I dismiss the Landlord's 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 Act.

Dated: May 30, 2023

Residential Tenancy Branch