

DECISION

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 and 55 of the Act

and the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act

Preliminary Matters

The Landlord denies receiving the Service of Notice of Dispute Resolution Proceeding (Proceeding Package) from the Tenant. He affirms receiving no notification, or documentation from the Residential Tenancy Branch. He further affirms hearing that the Tenant applied to dispute the One Month Notice for the first time at this hearing.

For the above reasons, I find that the Tenant's Proceeding Package was not served in accordance with the Act.

The Landlord affirms posting his Proceeding Package on the Tenant's door but does not remember when. His witness affirms seeing the Landlord post it on the Tenant's door the day before this hearing. The Landlord affirms the witness is confused and that the witness is referring to a different document that was posted on the Tenant's door. However, the witness was unable to provide any further clarity regarding service of the Proceeding Package. I find I am unable to determine if the Proceeding Package was served to the Tenant, and if it was served, I cannot determine when it was served.

For the above reasons, I find that the Landlord's Proceeding Package was not served in accordance with the Act.

Under section 59 of the Act, a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

Rule of Procedure 3.5 states, at the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that the respondent was served with the Notice of Dispute Resolution Proceeding Package as required by the Act and these Rules of Procedure.

As I find the Proceeding Package was not served to the Landlord in accordance with the Act, the Tenant's application is dismissed, with leave to reapply. This is not an extension of any time limits.

As I find the Proceeding Package was not served to the Tenant in accordance with the Act, the Landlord's application is dismissed, with leave to reapply.

Conclusion

The Tenant's application is dismissed, in its entirety, with leave to reapply. This is not an extension of any time limit.

The Landlord's application is dismissed, in its entirety, 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 21, 2025

Residential Tenancy Branch