



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPT

### Introduction

This hearing dealt with the tenant's expedited hearing application pursuant to the *Residential Tenancy Act* (the *Act*) for an Order of Possession for the tenant, pursuant to section 54 of the *Act*.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:43 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. The tenants attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 tenants and I were the only ones who had called into this teleconference.

The tenants were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. The tenants testified that they are not recording this dispute resolution hearing.

The tenants confirmed their email address for service of this decision.

Tenant D.L. testified that the landlord was served with the tenants' application for dispute resolution (the "application") via posting on the landlord's door. Tenant D.L. testified that he could not recall on what date the application was posted, but that it was within the required time period. No proof of service documents were entered into evidence.

Rule 10.3 of the Residential Tenancy Branch Rules of Procedure (the “Rules”) states:

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].

Rule 10.9 of the Rules states:

An applicant must provide proof of service by submitting RTB 9 Proof of Service – Notice of a Dispute Resolution form one day after serving the Notice of Dispute Resolution Proceeding Package and at least two days before the hearing. Failure to do this may result in the application being dismissed or the hearing being rescheduled or adjourned to a later date.

The tenants did not submit the RTB 9 Proof of Service – Notice of Dispute Resolution form into evidence nor were any other proof of service documents provided. I find that the tenants have not proved, on a balance of probabilities, that the landlord was served with a copy of this application. The tenants’ application is therefore dismissed with leave to reapply.

In the hearing the tenants were cautioned to provide the required proof of service documents at any subsequent hearing.

Conclusion

The tenants' 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: October 03, 2022

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Residential Tenancy Branch