



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **OPC, 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 reimbursement of the filing fee pursuant to section 72 of the Act

Landlord VA 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 landlord was reminded to not record the hearing pursuant to Rule of Procedure 6.11. The landlord was affirmed.

The landlord testified that she served the One Month notice on the tenant in person on October 31, 2022. She had an individual with her as a witness. She did not provide proof of service in evidence.

The landlord further testified that she served the dispute notice and evidence on the tenant on December 6, 2022 in person. She stated that she had a witness with her. She did not provide proof of service in evidence.

As the landlord did not provide proof of service of the dispute notice, I cannot find that the tenant was properly served with the required documentation. I dismiss the landlord’s application without leave to reapply.

Conclusion

The landlord's application is dismissed without leave to reapply. The tenancy shall continue until it is ended in accordance with the Act.

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 11, 2023

Residential Tenancy Branch