



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPL

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55.

Preliminary Issue – Serving of Notice of Hearing Documents

This matter was set for a conference call hearing at 9:30 a.m. on this date. The landlord participated in the hearing, the tenants did not. FP testified that she didn't know that she was required to submit documentation to prove service or verify that the tenants were aware of the hearing. The landlord was unable to satisfy me that the tenants have been served the Notice of Hearing Documents in accordance with Section 89 of the *Act* and as a result, I dismiss the landlord's application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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 24, 2023

Residential Tenancy Branch