



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

Introduction

This hearing was scheduled to convene at 11:00 a.m. on October 13, 2023 by way of conference call concerning an application made by the landlord seeking an order of possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application.

The landlord attended the hearing with a translator. However, the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenant joined the call.

The landlord submitted that the tenant was served with the Notice of Dispute Resolution Proceeding and other required documents on June 17, 2023 by attaching them to the door of the rental unit. That method of service is only available to a landlord who is only claiming an order of possession, not a monetary order for unpaid rent. The landlord chose to proceed only with the application for an order of possession.

The landlord also submitted that only some of the landlord's evidence was served to the tenant because the tenant was already served with a notice to end the tenancy, and only a photograph of an envelope attached to a door was served to the tenant. Any evidence that a party wishes to rely on must be provided to the other party even if they already have a copy because it is important for all parties to know what I have before me. Since the landlord has not served the evidence, I cannot consider it.

Without considering a filed copy of the notice to end the tenancy, I cannot determine if it was given in the approved form.

As a result, I dismiss the landlord's application in its entirety with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the landlord's application is hereby 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 13, 2023

Residential Tenancy Branch