



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, MNSD, & FF

Introduction

This hearing dealt with an application by the landlord seeking an Order of Possession and a monetary Order due to non-payment of rent by the tenant. The landlord originally made an application through the Direct Request Proceeding which does not require a hearing; however, a Dispute Resolution Officer determined that there was insufficient evidence provided to prove that the tenant was served with Notice of the Direct Request Proceeding. The hearing was reconvened and set for this day. The landlord was to serve the tenant with Notice of the Reconvened Hearing with **three (3) days** of receiving the decision dated June 10, 2009.

Although the landlord had the opportunity to present evidence prior to the reconvened hearing no further documentary evidence was provided. During the hearing I heard evidence from the landlord respecting how the original notice of the Direct Request Proceeding was served; however, I failed to question the landlord about how the tenant was served with notice of the reconvened hearing.

Analysis

When the hearing was reconvened the landlord was Ordered to serve the tenant within three (3) days and the landlord had the onus to submitted proof of service as required by section 89 of the *Act*.

In the absence of any proof of service I find that the tenant was not served with notice of the reconvened hearing and I dismiss the landlord's application with leave to re-apply.



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Conclusion

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*. In the absence of any proof of service of the hearing documents and in the absence of the tenant, this application is dismissed with leave to reapply.

Dated: July 29, 2009.

Dispute Resolution Officer