

Dispute Codes:

MNR, MNSD

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This is a reconvened Hearing. I issued an interim decision and Order of Possession at a Direct Request Proceeding on May 21, 2009. The matter was adjourned to a participatory Hearing, via teleconference, to determine the remainder of the Landlord’s application. I also ordered that the Landlord serve the Tenant with copies of: the interim decision and the Notice of Reconvened Hearing in accordance with Section 88 of the Act, within 3 days of receiving the interim decision.

Preliminary Matter

At the onset of the Hearing, the Landlord’s agent testified that the Tenants had been served with the Notice of Reconvened hearing by registered mail. However, the Landlord could not say where the Tenants were served, or on what date the Tenants were served. The reconvened Hearing was scheduled to be heard at 9:00 a.m. on July 7, 2009, via teleconference. By 9:12 a.m., neither of the Tenants had signed into the conference.

Analysis

The Landlord was not able to prove service of the Notice of Reconvened Hearing on the Tenants. Therefore, the Landlord’s application is dismissed with leave to re-apply.

Conclusion

The Landlord’s application is dismissed with leave to re-apply.