

DECISION

Dispute Codes OPR, MNR, SS

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent. The Landlord also applied for an Order permitting him to serve the Tenant with the application and Notice of Hearing in a different way than required by the Act. However, in a decision issued on February 4, 2010, the Landlord's application to serve the hearing package on the Tenant's mother was dismissed.

At the hearing held on March 15, 2010, the Landlord claimed that he had located the whereabouts of the Tenant at a college in Dawson Creek, B.C. The Landlord said that although the Tenant agreed to pick up the hearing package from a Bailiff at an agreed time and place, the Tenant failed to do so. The Landlord also said that he spoke with the Tenant by telephone the morning of the March 15, 2010 hearing and advised him of the time of the teleconference however the Tenant did not attend. Consequently, the Landlord was ordered by the Dispute Resolution Officer to contact the Tenant again, give him a date and time to pick up the hearing package and to advise the Tenant that if he failed to do so, he would be deemed served and the reconvened hearing would proceed in his absence.

Although Notices of the Reconvened hearing date were provided to both Parties, neither of them attended the reconvened hearing date. In the absence of any evidence that the Tenant has been served with the Landlord's hearing package, his application is dismissed with leave to reapply.

Conclusion

The Landlord's application is 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: May 03, 2010.

Dispute Resolution Officer