Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Tenants did not attend the hearing. The Landlord was given numerous opportunities to explain how either of the Tenants was served notice of this hearing but he did not appear to understand what was being asked of him.

He was able to explain that the Tenants had vacated the rental unit and that they owed him $2,550.00 in rent but he could not understand that he was required to explain how notice of the hearing was served on the Tenants. He stated that he did not have anyone available to interpret for him.

Analysis

The purpose of serving the Notice of Hearing is to notify a party that an Application for Dispute Resolution has been field and to give them an opportunity to participate in the dispute resolution hearing. The Landlord has the burden of proving that the Tenants were served with the Notice of Direct Request Proceeding.

Conclusion

Having found that the Landlord has failed to prove service of the Notice of Hearing, I hereby dismiss the Landlord's Application for Dispute Resolution 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 06, 2010.

Dispute Resolution Officer