



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened by way of conference call in response to an application made by the landlord for an Order of Possession and a monetary order for unpaid rent or utilities. The landlord's application was originally made by way of the Direct Request Process, however on December 1, 2011 I ordered a participatory hearing once I had considered the landlord's evidentiary material provided for the Direct Request, and I ordered the landlord to serve the tenant with a copy of the Decision and the Notice of Reconvened Hearing within 3 days of receiving the Decision resulting from the Direct Request Process.

An agent for the landlord company attended the conference call hearing and provided affirmed testimony, however the tenant did not attend. The landlord testified that the tenant was served by registered mail but after being given an opportunity to locate evidence, the landlord's agent was not able to provide any evidence or testimony to substantiate the date the documents were sent or the registered mail item number.

Analysis

In the absence of any evidence that the tenant was served with the documents ordered in my Decision dated December 1, 2011, I cannot be satisfied that the tenant has been made aware of this hearing. Therefore, the landlord's application must be dismissed.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed without 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: December 23, 2011.

Residential Tenancy Branch