



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent.

At the outset, the landlord's agent testified that the application for dispute resolution was served to the tenant by electronic mail on January 3rd, 2012. The tenant did not participate to the conference call. The landlord's agent requested an adjournment; however I must decline this request because the application, and any relevant evidence, was not sent according to statute, and in the absence of the tenant at this hearing I have no assurance that any documentation was received. Therefore, without proper service I have no basis on which to consider an adjournment.

Section 89(1) of the *Residential Tenancy Act* states:

*"An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, **must** be given in one of the following ways:*

- (a) By leaving a copy with the person;*
- (b) If the person is a landlord, by leaving a copy with an agent of the landlord;*
- (c) By sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;*

- (d) If the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;*
- (e) As ordered by the director under section 71(1) [director's orders: delivery and service of documents].*

Conclusion

Since the tenant was not served the application for dispute resolution in accordance with the Act, 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: January 05, 2012.

Residential Tenancy Branch