



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes MNR, MND, SS and FF

Introduction

This matter was originally set for October 3, 2012 but was adjourned at the request of the landlord's legal counsel on the grounds that neither he nor a key witness would be available that date.

When the hearing reconvened on November 14, 2012, the application was dismissed as the landlord had not appeared.

However, by a decision issued on December 21, 2012, the landlord was granted the present review hearing when the branch teleconference service provider was able to verify that the landlord's legal counsel had attempted to connect with the hearing but had not been able to do so due to a circuit error.

In the interim, the landlord had removed a request for an Order of Possession after the tenant had vacated the rental unit.

When the present hearing commenced, legal counsel for the landlord advised that he had been unable to provide timely service of the Notice of Hearing on the tenant in compliance with section 89 of the Act. He stated he had not received the notice until January 16, 2013 and there are substantial difficulties serving the tenant who lives in a remote area.

Therefore, he requested a further adjournment to a date after March 2013 as the present claims are interwoven with a claim before an Employment Standards Tribunal, the results of which are expected around the end of March 2013.

As the tenant was not present at this hearing, I am granting the adjournment to ensure his right to be heard.

The landlord's legal counsel also requested an order for substitute service under section 71 of the *Act* due to the difficulties of providing service for the tenant. He said that he had had repeated success communicating with the tenant by way of email using the email address of the tenant's partner, LS.

I hereby grant the request for substitute service by way of email to the email address of the tenant's partner.

The hearing will reconvene at a time and date set out in the attached notice of hearing.

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 25, 2013

Residential Tenancy Branch

