



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Widsten Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR

Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as I had insufficient evidence to determine whether the rent had been paid after the Ten Day Notice to End Tenancy had been served to the Tenant.

The reconvened hearing was held to address the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession, pursuant to section 55 of the *Residential Tenancy Act (Act)*?

Background and Evidence

The Agent for the Landlord stated that he did not realize he was required to serve the Tenant with notice of this hearing and he has not served her with the notice of this hearing. The Interim Decision, dated October 04, 2013, does direct the Landlord to serve the Tenant with notice of this hearing.

Analysis

The purpose of serving a Notice of Hearing to tenants is to notify them that a dispute resolution proceeding has been initiated and to give them the opportunity to respond to the claims being made by the landlord. When a landlord files an Application for Dispute Resolution, the landlord has the burden of proving that the tenant was served with the Notice of Hearing in accordance with the *Act*.

As the Landlord has not served the Tenant with notice of this hearing, I am unable to proceed in the absence of the Tenant. I therefore dismiss the Application for Dispute Resolution, with leave to reapply.

Conclusion

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: November 19, 2013

Residential Tenancy Branch

