



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

The landlords' direct request application was adjourned to a participatory hearing by way of my interim decision, dated November 5, 2014.

This participatory hearing was to deal with an application from the landlords pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of possession for unpaid rent, pursuant to section 55; and
- a monetary order for unpaid rent, pursuant to section 67.

The respondent did not attend this hearing, although I waited until 11:20 a.m. in order to enable the respondent to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord, KH, also acting as agent for the other landlord, PFS, connected to the hearing late at 11:02 a.m. and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Service of Landlords' Application

The landlord KH testified that he did not serve the respondent with the application for dispute resolution hearing notice or a copy of my interim decision, dated November 5, 2014. My interim decision clearly states that service of the above-mentioned documents must be made by the landlords, upon the respondent, in accordance with Sections 88 and 89 of the *Act*.

Analysis – Service of Landlords' Application

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution...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]...*

The landlords have not served the respondent, as required by section 89(1) of the *Act*. As such, the respondent was unable to attend this hearing.

During the hearing, I informed the landlord KH that I would be dismissing the landlords' application with leave to reapply. **This liberty to reapply is not an extension of any applicable limitation period.**

Conclusion

I dismiss the landlords' application 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: December 2, 2014

Residential Tenancy Branch

