



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Howard Johnson Harbourside Hotel  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

OPR, MNR

### Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as the Dispute Resolution Officer at the Direct Request Proceeding had insufficient evidence to determine when rent was due.

The reconvened hearing was scheduled to address the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a monetary Order for unpaid rent?

### Background and Evidence

The Agent for the Landlord stated that she and the Agent for the Landlord #2 personally served the dispute resolution package to the Tenant on February 24, 2015.

The Agent for the Landlord stated that the Landlord received the interim decision, dated March 02, 2015, and the Notice of a Dispute Resolution Hearing. The interim decision declares that the Landlord must serve the Tenant with the Notice of Reconvened Hearing and the interim decision.

The Agent for the Landlord stated that the Landlord did not understand that the Landlord was required to serve the interim decision and notice of this hearing to the Tenant. She stated these documents have, therefore, not been served.

### Analysis

The purpose of serving the Tenant with notice of this hearing is to notify the Tenant that a hearing will be convened and to provide the Tenant with the opportunity to attend the hearing and to respond to the claims being made by the Landlord.

On the basis of the undisputed evidence, I find that the Tenant was not served with notice of this hearing. As the Tenant was not served with notice of this hearing, I am unable to proceed in the absence of the Tenant.

As I am unable to proceed with the hearing in the absence of the Tenant, I dismiss the Landlord's Application for Dispute Resolution. The Landlord has the right to file another Application for Dispute Resolution regarding any issues in this Application for Dispute Resolution or any issues that have arisen since this Application for Dispute Resolution was filed.

### Conclusion

As I have made no findings regarding the issues in dispute in this Application for Dispute Resolution, the matter 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: April 08, 2015

---

Residential Tenancy Branch

