



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding JERICO HILL ENTERPRISES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing was originally dealt with by way of a Direct Request Proceeding (a non-participatory hearing) in response to the Landlords' Application for Direct Request (the "Application") made on April 1, 2015. The Application was made for an Order of Possession and a Monetary Order for unpaid rent.

On April 9, 2015 an Interim Decision was made by an Adjudicator who had conduct of the Landlord's Application. The Adjudicator explained in the written decision that there were a number of issues associated with the manner in which the Landlord had served the Tenant with the required documents for the Direct Request proceedings.

The Adjudicator made a finding that the Landlord had failed to provide sufficient evidence that the documents had been served to an adult apparently residing with the Tenant. Therefore, an Order of Possession could not be issued to the Landlord.

With respect to the Landlord's monetary claim, the Adjudicator was unable to deal with this because Section 89(1) of the *Residential Tenancy Act* (the "Act") does not allow this manner of service to the Tenant when making a monetary claim.

As a result, the Adjudicator adjourned the proceedings to be reconvened with the participation of the parties for this hearing at 9:00 a.m. The Landlord was provided with the notice of hearing documents to serve to the Tenant in accordance with the Act. The Landlord was also given the option of re-serving the original documents for the Direct Request proceedings to satisfy service under the Act so that the Landlord's monetary claim could be considered.

However, the line remained open while the phone system was monitored for ten minutes and no participant called into this reconvened hearing.

### Analysis & Conclusion

Rule 10.1 of the Dispute Resolution Proceedings Rules of Procedure states that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

As neither party called into the conference call by 9:10 a.m., I find that the Landlord has not presented the merits of this Application which is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the Act and I have made no findings of fact or law with respect to the merits of this Application.

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: May 29, 2015

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Residential Tenancy Branch

