



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CORNERSTONE PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction and Preliminary Matter

This hearing convened as a result of a Landlord's Application for Dispute Resolution in which the Landlord sought an Order of Possession and Monetary Order based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

The Landlord initially applied by Direct Request, and by decision dated June 3, 2015 the Adjudicator Ordered that the application be reconvened in accordance with section 74 of the *Act* for a participatory hearing.

The reconvened hearing was set before me at 10:30 on this date.

Only the Landlord attended the hearing and was represented by their property manager, J.M. and their caretaker, H.P. As the Tenant was not present, service of the Notice of Reconvened Hearing was considered. In the June 3, 2015 decision, the Adjudicator Ordered that the Landlord must serve the Tenant the Notice of Reconvened Hearing as well as all other required documents within three days of receiving the decision. H.P. testified that the decision as received on June 12, 2015.

Neither party could confirm when the Tenant was served with the Notice of Reconvened Hearing, although H.P. testified that she believed the Tenant was served by registered mail.

As I was not able to find that the Tenant was served with the Notice of Reconvened Hearing I dismissed the Landlord's application. To proceed in the absence of the Tenant, without finding the Tenant had been served in accordance with the *Act*, would deny the Tenant the right to be heard, and offend the principles of natural justice.

Conclusion

The Landlord failed to confirm service of the Notice of Reconvened Hearing on the Tenant and therefore the application is dismissed.

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: July 30, 2015

Residential Tenancy Branch

