



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAKOLA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPB, MNR, MNSD, MNDC, FF

Introduction and Preliminary Matter

This hearing was convened as a result of the Landlord's application for dispute resolution filed June 25, 2015 under the *Residential Tenancy Act* (the "Act") for an Order of Possession for unpaid rent or utilities and breach of the Tenancy Agreement, a Monetary Order for unpaid rent or utilities, for authorization to keep all or part of the security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the filing fee.

The Landlord was represented by L.H. and R.F. who acted as agents for the Landlord. The Tenant did not attend the teleconference hearing.

As the Tenant did not attend the hearing, service of the Landlord's Application and Notice of a Dispute Resolution Hearing and supporting evidence (the "Application Materials") was considered. L.H. testified that the Application Materials were served on the Tenant by "putting through the mail-slot".

As I informed the Landlord during the hearing, such service does not satisfy the requirements of section 89 of the *Residential Tenancy Act* and as such I am unable to find that the Tenant was served. A fundamental principle of natural justice is that parties to proceedings are entitled to be made aware of the case against them and given an opportunity to reply. Section 89 mandates the service requirements for an Application for Dispute Resolution and as the Landlord failed to serve the Tenant in accordance with section 89 the hearing could not proceed. The Landlord's Application is dismissed with leave to reapply.

Conclusion

The Landlord did not serve the Tenant with the Application Materials in accordance with section 89 of the *Act*, and accordingly their application was 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: August 25, 2015

Residential Tenancy Branch

