



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and the filing fee.

Nine minutes into the hearing, the landlord called into the hearing by conference call with the assistance of an operator. It was apparent from the start that the landlord had difficulty with the language and did not have an interpreter to assist him. However the landlord was given full opportunity to present evidence and make submissions.

The tenant did not attend the hearing. The landlord found it difficult to provide me with answers to my questions regarding the service of the notice of hearing package to the tenant. After several attempts, I was not satisfied that the tenant had been served because of the communication barrier and lack of evidence to support service.

Issue to be Decided

Was the tenant served with the notice of hearing pursuant to Section 88? If so is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Analysis

Section 88 and section 89 of the *Residential Tenancy Act* address how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with sections 88 and 89 of the *Act*.

In addition the landlord did not file documents to support his monetary claim of \$10,800.00. He stated that he was not informed that he had to do so.

Conclusion

The landlord's application 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: October 01, 2015

Residential Tenancy Branch

