



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

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

The landlord had initially made application by direct request which is processed by a non-participatory hearing. In an interim decision dated September 23, 2015, the adjudicator adjourned the hearing to a participatory hearing and instructed the landlord to serve the tenant with a notice of this hearing. However the landlord understood that the Residential Tenancy Branch would be sending out a notice of hearing to the tenant and therefore he did not serve the tenant with a notice of today's hearing.

Analysis

Section 88 of the *Residential Tenancy Act* addresses 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 section 88 of the *Act*.

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 28, 2015

Residential Tenancy Branch