



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This matter was scheduled for a conference call at 9:30 a.m. on this date. The landlord participated in the teleconference, the tenant did not. The landlord originally filed this application by way of the Direct Request Process. A decision was made by an Adjudicator on September 4, 2015 ordering this hearing to be conducted as a participatory hearing. In the Adjudicator's decision it directs the landlord to serve the tenant with the today's hearing date, time and passcode within three days of receiving that decision.

When I asked the landlord when he served the tenant, he stated that he served the tenant with the Notice of Hearing documents for today's hearing on August 20, 2015. I made four further attempts to obtain the information from the landlord and each time he indicated that the tenant was served on August 20, 2015 in person. The landlord was unable to satisfy me that the tenant had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the landlord's application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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: November 12, 2015

Residential Tenancy Branch

