



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, CNR, MT, FF

Introduction

In the first application, the landlord seeks an order of possession pursuant to a ten day Notice to End Tenancy dated October 6, 2015 given for unpaid rent and for a monetary award for unpaid rent and loss of rental income.

In the second application the tenant seeks to cancel the ten day Notice and for an extension of time to make his application to do so.

The tenant did not attend the hearing within ten minutes after its scheduled start time. The landlord's representative Ms. A. testified that he had been duly served by registered mail sent October 23, 2015. The record of the Canada Post office show that the registered mail was claimed on October 28, not by the tenant, but by a Mr. I.K., the landlord's building manager. In these circumstances and without any other evidence of service, I am unable to conclude on a balance of probabilities that the tenant has been duly served in accordance with ss. 88 and 89 of the *Residential Tenancy Act* (the "RTA").

I dismiss the landlord's application. The landlord is a liberty to re-apply and I grant it any leave it may require to do so.

The tenant's application is dismissed as he did not attend the hearing within a reasonable time after its scheduled start time.

Section 55 of the *RTA* permits a landlord to verbally request an order of possession if a tenant's application to cancel a Notice fails. The landlord's representative makes that request. I grant the landlord an order of possession.

In the circumstances, I decline to grant the landlord recover of the filing fee.

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: December 17, 2015

Residential Tenancy Branch

