



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATI INVESTMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy and for a monetary award for unpaid rent from September and October 2015.

The landlord's application was originally brought by the "direct request" process available through the Residential Tenancy Branch, whereby, upon proof of service and non-opposition by a tenant, a landlord may obtain the relief requested here on a "documents only" basis, without a formal hearing.

The landlord's direct request application was refused because the witness portion of a Proof of Service document had not been filled out. The matter was set to be reconvened for today at this time.

At the bottom of page three in a four page interim decision, the adjudicator dealing with the direct request application wrote:

Notices of Reconvened Hearing are enclosed with this interim decision for the applicant to serve, with all other required documents, upon the tenant within three (3) days of receiving this decision in accordance with section 89 of the Act.

The landlord's representative Mr. S.L.T. who attended this hearing apparently did not see or appreciate this direction. The Notice of Reconvened Hearing, the interim decision and "all other required documents" were not served on the tenant.

The tenant has not been notified of this hearing. She did not attend the hearing or submit any material.

In these circumstances the landlord has failed to serve the tenant with the notice of this hearing and the application must be dismissed, with leave to re-apply.

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 23, 2015

Residential Tenancy Branch

