



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0946401 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“Act”), I was designated to hear an application regarding the above-noted tenancy. The landlords applied for:

- an Order of Possession for unpaid rent, pursuant to section 55; and
- a monetary order for unpaid rent, pursuant to section 67

The tenant did not attend the hearing, which lasted approximately 14 minutes. The landlord MK (“landlord”) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that she had authority to appear on behalf of the landlord company named in this application as an agent at this hearing.

Preliminary Issue – Direct Request Proceeding and Service

This hearing was originally scheduled as a direct request proceeding, which is a non-participatory hearing. An “interim decision,” dated January 7, 2016, was issued by an Adjudicator for the direct request proceeding. The interim decision adjourned the direct request proceeding to this participatory hearing.

The landlords were required to serve the tenant with a copy of the interim decision and the notice of reconvened hearing within three days of receiving it, as outlined in the interim decision itself. During the hearing, the landlord could not confirm the date or the method of service of the interim decision and the notice of reconvened hearing.

The landlord stated that she attended a hearing at the Residential Tenancy Branch (“RTB”) on February 16, 2016 and was granted an order of possession by another Arbitrator so she no longer required this relief. Therefore, the landlord’s application for an order of possession for unpaid rent is dismissed without leave to reapply.

At the hearing, I advised the landlord that as I could not confirm that the tenant was served with the interim decision and notice of reconvened hearing as required, the landlords' application for a monetary order for unpaid rent was dismissed with leave to reapply. I notified her that the landlords could file a new application for dispute resolution to recover all unpaid rent, losses and to retain the tenant's security deposit.

Conclusion

The landlords' application for an order of possession is dismissed without leave to reapply.

The landlords' application for a monetary order for unpaid rent 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: March 02, 2016

Residential Tenancy Branch

