



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAXIMUM INCOME PROPERTY MANAGEMENT CORP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing addressed the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

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

The landlord's application was originally initiated as a direct request proceeding, which is a non-participatory hearing. In an interim decision issued on March 23, 2016, an adjudicator determined that the matter was not appropriate for a non-participatory hearing and ordered that a participatory hearing take place. The interim decision directed the landlord to serve the tenant with a copy of the interim decision and a Notice of Reconvened Hearing (the "Hearing Package").

The tenant did not participate in the conference call hearing, which lasted approximately 8 minutes. The landlord's agent (the "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 he was an agent of the landlord's company named in this application, and had authority to speak on its behalf.

The landlord testified that on March 22, 2016 he forwarded the Notice of Direct Request Proceedings, which is notice of the claim and notice that adjudication would take place through a non-participatory hearing, via registered mail to the tenant. The landlord provided a Canada Post receipt and tracking number as proof of service. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the Direct Request Proceedings documents on March 27, 2016, the fifth day after their registered mailing.

Although he was ordered to serve the tenant with a copy of the Hearing Package, the landlord could not provide the date or method of service he used to serve the tenant these documents. In the absence of evidence or testimony confirming service of the Hearing Package, I dismiss the landlord's application with leave to reapply.

Conclusion

I dismiss the landlord's application for an Order of Possession and Monetary Order 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: April 21, 2016h

Residential Tenancy Branch