

Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent or utilities and for a Monetary Order for unpaid rent or utilities. The landlord had original filed for a Direct Request Proceeding, however, this was reconvened to a participatory hearing and the landlord was required to service a copy of the Reconvened Notice of Hearing upon the tenant.

At the outset of the hearing the landlord advised that the tenant is no longer residing in the rental unit, and therefore, the landlord withdraws the application for an Order of Possession.

Service of the hearing documents, by the landlords to the tenant, was done in accordance with section 89 of the *Act;* served originally in person on June 27, 2016. The tenant did not attend this participatory reconvened hearing. The landlord testified that the Reconvened Notice of Hearing was sent by courier service on July 09, 2016 and that until the resolution of the 2016 Canada Post labour disruption, any documents of the type described in section 88 or 89 of the *Residential Tenancy Act* are sufficiently served for the purposes of the *Act* if they are sent by courier.

The landlords did not provide proof of service of the Notice of Reconvened Hearing by courier service despite being given extra time to produce these documents after the hearing concluded. It is therefore my finding that the landlords have insufficient evidence to prove that they served the tenant with the Notice of Reconvened Hearing for Dispute Resolution as required under the Order issued on June 29, 2016 by the Residential Tenancy Branch regarding courier service as indicated below or by a method permitted under s. 88 or 89 of the *Residential Tenancy Act*:

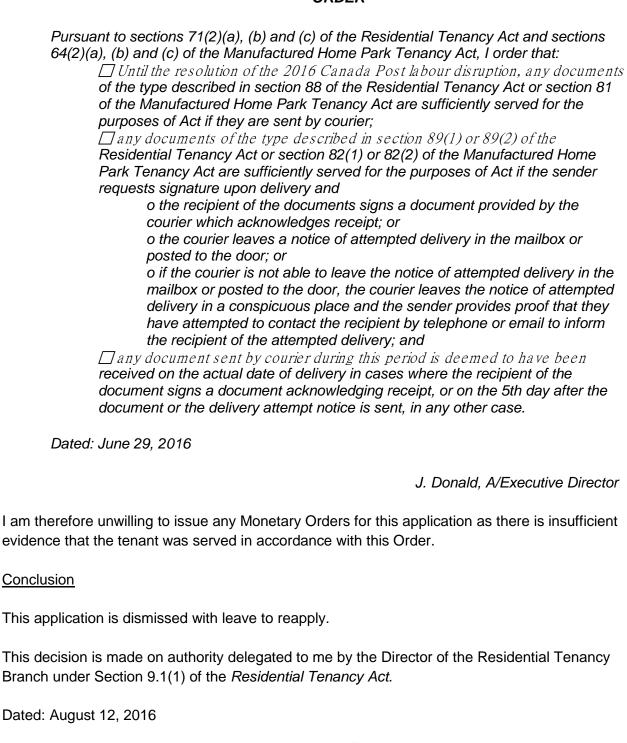
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In matters of the Residential Tenancy Act, SBC 2002, c. 78, as amended or the Manufactured Home Park Tenancy Act, SBC 2002, c. 77, as amended

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ORDER



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