



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OPR MNR

### Introduction

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

- an order of possession for unpaid rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;

This application was originally heard by way of a Direct Request Proceeding and on July 18, 2016 an interim decision was issued adjourning the application to be reconvened at a participatory hearing.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:25 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Issue: Service of Application for Dispute Resolution

The landlord presented evidence of a registered mail tracking number as confirmation of service of the Application for Dispute Resolution. However the confirmation was for service of the Direct Request Proceeding which was served by registered mail on June 24, 2016.

In the July 18, 2016 Interim Decision, the landlord was instructed to serve upon the tenant the Notices of Reconvened Hearing and the Interim Decision within three (3) days of receiving the Interim Decision in accordance with section 89 of the *Act*.

The landlord was not able to provide evidence or confirmation of service of the Notices of Reconvened Hearing and Interim Decision.

### Analysis

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

*89(1) An application for dispute resolution,...when required to be given to one party by another, must be given in one of the following ways:*

- (a) by leaving a copy with the person;*
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;*
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;*
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;*
- (e) as ordered by the director under section 71(1) [director's orders: delivery and service of document]...*

I find the tenant has not been served with the Notices of Reconvened Hearing and the Interim Decision as required by section 89(1) of the *Act*.

### Conclusion

I dismiss the landlord's application 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: September 09, 2016

---

Residential Tenancy Branch