



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROCKWELL MANAGEMENT
NAV LAL VISTA
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 two tenants did not attend the hearing, which lasted approximately 12 minutes. The landlords’ agent, JW (“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 was the resident building manager for the landlord companies named in this application and that she had authority to speak on behalf of all landlords 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 November 22, 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 tenants with copies of the interim decision and the notice of reconvened hearing within three days of receiving it, as outlined in the interim decision itself. When questioned as to when she received the interim decision, the landlord claimed that she did not receive it and she called the Residential Tenancy Branch (“RTB”) directly to find out the hearing information. The landlord explained that she asked the RTB to send her the documents but she did not receive them. She said that she did not serve the interim decision on the tenants.

At the hearing, I advised the landlord that I could not confirm that the tenants were served with the interim decision and notice of reconvened hearing in accordance with section 89 of the *Act*. I notified her that the landlords' entire application was dismissed with leave to reapply. I advised her that the landlords would be required to file a new application for dispute resolution, pay another filing fee and provide proof of service at the next hearing, if they choose to pursue this matter further.

Conclusion

The landlords' entire application 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: January 05, 2017

Residential Tenancy Branch