



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for an Order of Possession.

The Landlord appeared for the hearing but there was no appearance for the Tenant during the 12 minute hearing. As a result, I turned my mind to the service of documents for this hearing by the Landlord.

The Landlord testified that he had sent a copy of the Application and the Notice of Hearing documents by registered mail to the basement rental suite of the residential home which the Tenant rents from the Landlord. The Landlord resides in the upper portion of the home. The Landlord provided the Canada Post tracking number into oral evidence which is documented on the front page of this Decision.

The Landlord allowed me to check the Canada Post website to track the package in order to verify service of the documents for this hearing as there was no appearance by the Tenant. The Canada Post website shows that the documents were received and signed for by a person sharing the last name as the Landlord.

I asked the Landlord who this person was and the Landlord indicated that it was his son but does not know why his son signed for the documents and did not make him aware of this. The Landlord confirmed that he had mailed the documents to the basement portion of the rental home.

Section 89 of the *Residential Tenancy Act* requires a party making an Application must serve documents to the respondent in order to notify that party of the claim being against them and give them notice of the scheduled hearing to take place to determine the dispute. In this case, I am not satisfied that the Tenant was served the required documents for this hearing and this would explain the lack of appearance by the Tenant.

As the Landlord failed to meet the service requirements of the *Residential Tenancy Act* and put the Tenant on notice of his hearing, I am unable to determine the Landlord's Application and dismiss it 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: January 13, 2017

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Residential Tenancy Branch