



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PEMBERTON HOLMES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPN, MNR, FF

Introduction

On August 5, 2016, the Landlord submitted an Application for Dispute Resolution requesting an order of possession and a monetary order for unpaid rent.

The matter was set for a conference call hearing. The Landlord appeared at the hearing; however, the Tenant did not.

It appears that the Tenant was never served with the Notice of Hearing.

Preliminary and Procedural Matters

The Landlord provided documentary evidence that includes an Amendment to an Application for Dispute Resolution indicating the Landlord wants to include the Tenant B.B. as the respondent. The Amendment form was never received by the Residential Tenancy Branch for processing, and therefore a Notice of Hearing document for B.B. was never created and provided to the Landlord for service on B.B.

The Residential Tenancy Branch Rules of Procedure 4.1 requires that an applicant must complete an Amendment form and file the amendment form with the Residential Tenancy Branch. The applicant must then serve the respondent.

Since the Landlord's application does not name the Tenant B.B., and Tenant B.B. was not served with a Notice of Hearing. The Landlord's application is dismissed with leave to reapply.

Conclusion

The Landlord's application does not name the Tenant, and the Tenant B.B. was never served with the Notice of Hearing. The Landlord's 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: February 08, 2017

Residential Tenancy Branch