



Dispute Resolution Services

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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 January 13, 2017 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.

Preliminary Issue: Service of Application for Dispute Resolution

As per the January 13, 2017 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 Notice of Reconvened Hearing and Interim Decision. The landlord acknowledged that he did not serve these documents as instructed.

Analysis

I find the tenant has not been served with this application as required by section 89 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: March 06, 2017

Residential Tenancy Branch

