



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding A A PROPERTY MANAGEMENT LTD

DECISION

Dispute Codes OPR MNR

Introduction

On January 23, 2017, Adjudicator Hayes of the Residential Tenancy Branch conducted an *ex parte* hearing of the landlords' application for dispute resolution by way of the Residential Tenancy Branch's Direct Request Procedure pursuant to section 55(4) of the *Residential Tenancy Act* (the "*Act*").

The landlords had applied for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 55, and a monetary order for unpaid rent pursuant to section 67. In his decision, he adjourned the landlords' application to a participatory hearing scheduled for February 20, 2017. He attached Notices of Hearing in his Interim Decision to the landlords and advised that they were responsible for serving the Notice of Hearing to the tenant.

The tenant did not attend this hearing, although I waited until 9:43 a.m. in order to enable him to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord, JY ('landlords'), attended the hearing on behalf of both landlords, and was given a full opportunity to be heard, to present evidence and to make submissions.

At the outset of the hearing the landlords indicated that they were unaware that they were required to serve the hearing package upon the tenant.

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary Order.

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;...*

At the hearing, I advised the landlords of my finding that they had not served the tenant in a manner required by section 89(1) of the *Act*. For this reason, I cannot consider the landlords' application. I am not satisfied that the tenant was properly served with any portion of the landlords' application for dispute resolution.

As the landlords' application had not been served to the tenant in a method required under section 89(1) of the *Act*, I dismiss the landlords' entire application with leave to reapply.

Conclusion

I dismiss the landlords' entire 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 1, 2017

Residential Tenancy Branch

