



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR OPR

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent pursuant to section 55 of the *Act*; and
- a Monetary Order for Unpaid Rent or Utilities pursuant to section 67 of the *Act*.

The tenants did not attend this hearing, which lasted approximately 15 minutes. Landlord, J.G. attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

J.G. stated that mail containing the *Notice of a Dispute Resolution Hearing* was delivered on March 5, 2017 and she instructed the tenants to check their mailbox. She stated on March 6, 2017 the mail was no longer in the mailbox leading her to presume that the tenants had collected their Notice of Hearing.

In the interim decision issued on February 23, 2017 by an adjudicator with the Residential Tenancy Branch, it is noted in the conclusion;

*Notices of Reconvened Hearing are enclosed with this interim decision **for the applicant to serve**, with all other required documents, upon the tenants within three (3) days of receiving this decision in accordance with section 89 of the Act.*

I am not satisfied that the landlords have served notice of this hearing and the dispute resolution hearing documents to the tenants as required by section 89 of the *Act* and in accordance with the above-noted directions provided in the adjudicator's February 23, 2017 interim decision. Furthermore, section 89 of the *Act* does not allow for an Application for Dispute Resolution or for an application for an Order of Possession to be left in a tenant's mailbox.

For this reason, the landlords' application is dismissed with leave to reapply.

Conclusion

I dismiss the landlords' 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 23, 2017

Residential Tenancy Branch