



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 landlords' Application for Dispute Resolution ("application"), seeking an order of possession for unpaid rent or utilities, and for a monetary order for unpaid rent or utilities.

This application began as a landlords' application through the Direct Request process which was adjourned to a participatory hearing based on the Interim Decision dated November 21, 2017 which should be read in conjunction with this decision.

The landlords attended the teleconference hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application and documentary evidence were considered. During the hearing, the landlords provided a total of four registered mail tracking numbers. Although I was originally satisfied on service, I am no longer satisfied on service after reviewing the registered mail tracking numbers identified as 3 and 4 on the cover page of this decision. According to the Canada Post registered mail website, landlord K.D. signed for both packages on December 9, 2017 and I have confirmed that his signature matches those on the tenancy agreement and the 10 Day Notice to End Tenancy for Unpaid Rent and Utilities ("10 Day Notice"). As a result, I find the landlord K.D. signed for the packages and not the tenants and as a result, I am no longer satisfied that the tenants were served with the landlords' amendment and the hearing documents.

Based on the above, and taking into account that the tenants did not attend the hearing, **I am not satisfied** that the tenants were sufficiently served with the Notice of Hearing for the adjourned hearing, amended application and the second evidence packages under the *Act*. I have reached this decision after considering the fact that the landlord K.D.'s name is on the Canada Post registered mail tracking website as the recipient of the landlords' registered mail package and that on December 9, 2017 landlord K.D.'s

signature is also on the website which I find matches the 10 Day Notice landlord signature and tenancy agreement signature of landlord K.D.

Both parties have a right to a fair hearing and the tenants would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and amended application and second evidence package. Therefore, **I dismiss** the landlords' application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

I do not grant the landlords the recovery of the cost of the filing fee due to a service issue.

Conclusion

The landlords' application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 27, 2017

Residential Tenancy Branch