



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, OPN, MND, MNDC, FF

Introduction

On November 20, 2017, the Landlord submitted an Application for Dispute Resolution for an order of possession; for a monetary order for unpaid rent or utilities; for a monetary order for unpaid rent; to keep the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Landlord attended the teleconference hearing; however, the Tenants did not. The Landlord provided affirmed testimony that the Tenant was served the Notice of Hearing using registered mail sent to the dispute address on November 21, 2017. The Landlord testified that the Tenants moved out of the rental unit on November 22, 2017. The Landlord testified that the registered mail was returned to the Landlord as undelivered.

It's a fundamental principle of natural justice that a party has the right to be notified of a proceeding against them; to receive disclosure of evidence; and to have an opportunity to respond.

In the circumstances, I find that it is not reasonable to conclude that the Tenants are deemed to have received the Notice of Hearing. I find that the Tenants have not been properly served with the Notice of Hearing.

The Landlord's application is dismissed with leave to reapply.

Despite my attempts to explain to the Landlord that it would be unfair to proceed with the hearing, the Landlord became argumentative with me. The hearing was politely ended.

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 01, 2018

Residential Tenancy Branch