



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bolld Real Estate Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

This hearing was reconvened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders under the direct request proceedings as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order of Possession - Section 55; and
3. An Order to recover the filing fee for this application - Section 72.

By way of Interim Decision dated February 1, 2018 (the “Interim Decision”) the original direct request proceedings on the above claims were adjourned to these participatory proceedings. The Interim Decision ordered the Landlord to serve the Tenant with, inter alia, the Interim Decision and Notice of Reconvened Hearing, within 3 days receipt of the Interim Decision.

The Tenant did not attend this hearing that was scheduled for 9:00 a.m. The Landlord’s Agent (the “Agent”) stated hesitantly that the Interim Decision was received on February 5, 2018 and that this Interim Decision and Notice of Reconvened hearing were served on the Tenant by registered mail on February 8, 2018. The Landlord stated that the registered mail receipt was not in front of the Landlord for this hearing nor was it provided in advance of the hearing but that it could be obtained and forwarded as evidence after the hearing. As there was no prejudice to the Tenant, I allowed the Landlord the opportunity to provide this evidence to support the Landlord’s otherwise hesitant oral evidence on service. The Landlord was given until 4:00 p.m. on April 5, 2018 to provide this evidence. During the hearing the Landlord also referenced a prior

hearing that resulted in a Decision dated March 13, 2018. The Landlord confirmed that this Decision granted the Landlord an order of possession and unpaid rent for February 2018 on the basis of an undisputed 10 day notice to end tenancy for unpaid February 2018 rent. The Landlord confirmed that it no longer required the order of possession as the Tenant had moved out of the unit.

Following this hearing the Landlord provided a registered mail receipt and a signed proof of service indicating that a 10 day notice to end tenancy for unpaid rent, issued February 9, 2018, was sent to the Tenant by registered mail on February 9, 2018. I note that this evidence was provided to the previous hearing to support the claim for the order of possession granted under the Decision dated March 13, 2018. This was the only evidence provided by the Landlord after this hearing.

As the Landlord provided no supporting evidence of service of the Interim Decision and Notice of this Reconvened Hearing and given the otherwise hesitant oral evidence of the required service I find that the Landlord has not provided sufficient evidence of service for these proceedings. As the Landlord has possession of the unit and no longer requires the order of possession claimed for this hearing I dismiss this application with leave to reapply solely on the claim for unpaid January 2018 rent. Leave to re-apply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 05, 2018

Residential Tenancy Branch