



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR OPC FF

This hearing dealt with the Landlord's Application for Dispute Resolution, made on March 5, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act*:

- a monetary order for unpaid rent or utilities;
- an order of possession for cause; and
- an order granting recovery of the filing fee.

The Landlord attended the hearing in person and provided affirmed testimony. The Tenant did not attend the hearing.

At the beginning of the hearing, the Landlord was asked how the Application package, including the Notice of Dispute Resolution Hearing, was served on the Tenant. Initially, the Landlord advised the date of service was March 2, 2018, before the Application was made. The apparent discrepancy was pointed out to the Landlord and he was again asked how the Application package was served on the Tenant. However, the Landlord could not confirm a date or method of service. The Landlord was advised that a fundamental principle of procedural fairness requires that the Tenant be given an opportunity to respond to the Landlord's claims. Accordingly, the Landlord was advised that the Application would be dismissed, with leave to reapply. At that time, the Landlord appeared to become frustrated and disconnected from the telephone conference call. The Audio Console was monitored until 11:10 A.M. and the Landlord did not call back into the telephone conference hearing.

I find there is insufficient evidence before me to confirm the Tenant was served with and received the Application package. Accordingly, the Landlord's Application is dismissed, 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: May 16, 2018

Residential Tenancy Branch