



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 464263 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR/FFL

Introduction and Preliminary Matters

On May 3, 2018, the Landlord submitted an Application for Dispute Resolution by Direct Request under the *Residential Tenancy Act* (the “Act”). The Landlord was requesting an Order of Possession due to unpaid rent, a Monetary Order to recover the unpaid rent, and to be compensated for the cost of the Filing Fee. The Landlord’s evidence was reviewed and found to be incomplete; therefore, the matter was set for a participatory hearing via conference call.

The Landlord attended the conference call hearing; however, the Tenant did not. The Landlord testified that he was unsure of how or if the Tenant was served with the Notice of a Reconvened Hearing that had been emailed to the Landlord from the Residential Tenancy Branch on May 14, 2018.

Section 89(1) of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Hearing. The Notice must be given in one of the following ways; by leaving a copy with the Tenants; or, by sending a copy by registered mail to the address at which the Tenants reside.

The Landlord was not able to provide evidence of the date the Notice of a Reconvened Hearing was served or if it was served in the manner required by Section 89(1) of the Act. I am not satisfied that the Tenants were properly served with the Landlord’s Application for Dispute Resolution. It is very important that the Tenants receive a copy of the Landlord’s Application and the Notice of Hearing, in order for the Tenants to respond and attend the hearing.

Conclusion

I dismiss the Landlord's Application with leave to reapply. This does not extend any applicable time limits under the Act.

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: June 28, 2018

Residential Tenancy Branch