



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR

Introduction

On August 24, 2018, the Landlord submitted an Application for Dispute Resolution by way of an *ex parte* Direct Request Proceeding under the *Residential Tenancy Act* (the “Act”). The Landlord requested an Order of Possession due to unpaid rent and a Monetary Order to recover the unpaid rent. The Landlord’s evidence for the Direct Request was reviewed and found to be incomplete; therefore, the matter was set for a participatory hearing via conference call.

Preliminary Matters

The Landlord attended the conference call hearing; however, the Tenants did not attend at any time during the 24-minute conference call. The Landlord testified that he attempted to serve the Tenants with a 10-Day Notice to End Tenancy for Unpaid Rent by registered mail. The Landlord then applied for an Order of Possession and sent the subsequent Notice of Hearing by registered mail. However, the Landlord admitted that both items had been returned to the Landlord due to Canada Post being unable to attend to the rental unit because of an aggressive dog. As a result, I find that the Tenants have not been duly served with the Notice of Hearing in accordance with Section 89 the Act.

I am, therefore, unable to hear the Landlord’s Application as I am not satisfied that the Tenant was properly served with the Application for Dispute Resolution or Notice of Hearing. As a result, this Application is dismissed with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

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: October 23, 2018

Residential Tenancy Branch