



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, FFL

Introduction

This hearing dealt with adjourned Direct Request Application filed by the Landlord under the Residential Tenancy Act, (the “Act”), for an order of possession to enforce 10-Day Notice for Unpaid Rent (the Notice) issued on December 6, 2018, a monetary order for unpaid rent or utilities, and to recover the cost of filing the application. The matter was set for a conference call.

The Landlord and his translator attended the hearing and were each affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the Act and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Landlord testified he was unable to serve the Application for Dispute Resolution, and Notice of Hearing document to the Tenant as she had moved out of the rental unit on December 17, 2018, and that he had just received her forwarding address the day before this hearing. I find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the Act.

Therefore, I dismiss the Landlord application with leave to reapply. This decision does not extend any legislated timelines pursuant to the Act.

Conclusion

I dismiss the Landlord's application 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: January 17, 2019

Residential Tenancy Branch