



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPRM-DR, FFL

### Introduction

On December 13, 2018, the Landlords applied for a Direct Request proceeding seeking an Order of Possession for Unpaid Rent pursuant to Section 46 of the *Act*, seeking a Monetary Order for Unpaid Rent pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On December 18, 2018, the Landlords' Application was set down for a Dispute Resolution Proceeding on February 4, 2019 at 9:30 AM.

J.M. attended the hearing as an agent for the Landlord; however, there was no appearance by the Tenant. The Landlord provided a solemn affirmation.

The Landlord advised that she served the Notice of Reconvened Hearing package to the Tenant by placing it under his door. I find it important to note that Section 89 of the *Act* requires that the Landlord serve this package in a method which complies with the *Act*. As this is not an acceptable method of serving this package, I am not satisfied that the Tenant has been served in accordance with the *Act*. As such, I dismiss the Landlords' Application with leave to re-apply.

As the Landlords were unsuccessful in their claims, I find that the Landlords are not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Landlords' Application with leave to re-apply.

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: February 4, 2019

---

Residential Tenancy Branch