



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

This hearing dealt with the Landlord's Application by Direct Request Proceeding, made on June 13, 2019, which was adjourned to a participatory hearing (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

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

The Landlord attended the hearing and provided affirmed testimony. The Tenants did not attend the hearing.

The Landlord testified that he was unable to serve the Notice of Dispute Resolution Proceeding and documentary evidence on the Tenants in accordance with the *Act*. The Landlord testified the Tenants vacated the rental unit on June 17, 2019, 2 days before he received the Notice of Dispute Resolution Proceeding package, and that the Tenants did not provide a forwarding address in writing. The Landlord knows where the Tenant V.T. is employed.

During the hearing, the Landlord was advised that the principles of procedural fairness and natural justice demand that the Tenants be made aware of the claim against them, and that they be given a meaningful opportunity to respond. As the Tenants were not served with the Notice of Dispute Resolution Proceeding and documentary evidence, they were not given notice of the hearing and had no opportunity to participate in the hearing.

In light of the above, I order that the Application is dismissed, with leave to reapply. The Landlord is reminded that the new notice of dispute resolution hearing and all documentary evidence upon which he intends to rely must be served on the Tenants in accordance with sections 88 and 89 of the *Act*. If the Landlord can demonstrate that the Tenants cannot be served by any of the methods permitted under the *Act*, and that there is a reasonable expectation that the Tenants will receive the documents by the method requested, the Landlord may apply for an order for substituted service pursuant to section 71(1) of 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: August 6, 2019

Residential Tenancy Branch