



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), for monetary compensation for unpaid rent, and for the recovery of the filing fee paid for this application.

The Landlord initially filed the application through the Direct Request process which was adjourned to a participatory hearing through an interim decision dated June 28, 2019. The Landlord was present for the teleconference hearing while no one called in for the Tenants. The Landlord was affirmed to be truthful in his testimony and stated that the Tenants were served with the Notice of Direct Request Proceeding, but not with the notice of hearing documents regarding the participatory hearing scheduled for August 23, 2019.

The Landlord stated that the Tenants moved out of the rental unit on June 30, 2019 but he does not have a forwarding address for them and has not been able to reach them. As such, he stated he was unable to serve them with the hearing documents.

Although the Tenants were aware of the Direct Request process through service of the documents regarding the initial application, I find that the Tenants had a right to know about the participatory hearing and an opportunity to submit evidence and attend the hearing. As the Landlord was unable to serve the Tenants in accordance with the requirements as stated in rule 3.1 of the *Residential Tenancy Branch Rules of Procedure*, I find that I must dismiss the Landlord’s application with leave to reapply. No findings of fact or law were made in regard to this dispute.

Conclusion

Due to a service issue, the Landlord's Application for Dispute Resolution is dismissed, 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: August 23, 2019

Residential Tenancy Branch