



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding four Green Properties Inc and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR, OPR-DR, FFL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of possession - Section 55
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing that commenced as scheduled at 9:30 a.m. on this date and that lasted approximately 20 minutes.

The Landlord states that in mid-March 2020 the rental unit was discovered abandoned. The Landlord notes that at a previous hearing on the Tenant’s application to dispute the 10 day Notice to end tenancy for unpaid rent (the “Notice”) a decision dated March 16, 2020 (the “Previous Decision”) granted the Landlord an order of possession. It is noted that the Previous Decision sets out that the Tenant did not appear at that hearing. The Landlord confirms that it subsequently made its current application with claims as set out above through the direct request proceedings on April 1, 2020. The Interim Decision from that direct request proceeding and dated April 8, 2020 (the “Interim Decision”) accepts that the Landlord served the Tenant by registered mail to the rental unit on April 3, 2020. The Interim Decision adjourns the Landlord’s application to this participatory hearing and orders the Landlord to serve the Tenant with the Interim Decision a notice of reconvened hearing within 3 days receipt of the Interim Decision.

The Landlord states that the Interim Decision and notice of reconvened hearing was received by the Landlord on April 15, 2020 and given to the Tenant by email to the

address provided by the Tenant in its own application made to dispute the Notice on April 17, 2020. The Landlord states that the Tenant has not responded to any of the Landlord's communications to the Tenant since the service of the Notice in January 2020. The Landlord confirms that it has received no response from the Tenant in relation to the service of the Interim Decision and notice of reconvened hearing by email.

The Director's Order dated March 30, 2020 allows service under section 89 of the Act by email where the Tenant responds to that service, acknowledges that service or where the Parties routinely correspond by email about tenancy matters. Given that there is no evidence of any response to or acknowledgement of the Landlord's service of the Interim Decision and notice of reconvened hearing by email and as there is no evidence of any routine correspondence with the Tenant through the email address used by the Landlord for that service, I find on a balance of probabilities that the Landlord has not provided sufficient evidence to substantiate that the Interim Decision was served as allowed under the Director's Order or the Act. Given the Landlord's evidence that it has possession of the unit, I dismiss without leave to reapply the Landlord's claim for an order of possession and recovery of the filing fee. I dismiss the Landlord's remaining claim for unpaid rent 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 Act.

Dated: June 01, 2020

Residential Tenancy Branch