



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNRL, OPL, FFL**

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- A monetary order for rent pursuant to section 67;
- An Order of Possession for Landlord's Use of Property pursuant to sections 49 and 55; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenants did not attend the hearing although I left the teleconference hearing connection open until 11:15 a.m. to enable the tenants to call into this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing and was represented by his agent, CN ("landlord"). The landlord testified that she did not send the tenants the Notice of Dispute Resolution Proceedings because she only found out about the hearing earlier today when she logged into the Residential Tenancy Branch dispute management system regarding a different file.

Service of Notice of Dispute Resolution Proceedings

An Application for Dispute Resolution requires special rules for service as stated in section 89(1) of the *Act* which requires service by:

- a. by leaving a copy with the person;
- b. if the person is a landlord, by leaving a copy with an agent of the landlord;

- c. by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- d. if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- e. as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

The landlord did not serve the Application for Dispute Resolution in accordance with section 89 of the Act. As such, this hearing could not proceed, and I dismissed the landlord's application with leave to reapply.

Conclusion

The landlord's application is dismissed with leave to reapply. I make no findings on the merits of the application. Leave to reapply does not extend any deadlines established pursuant to the *Act*, including the deadlines for applying for dispute resolution.

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: October 09, 2020

Residential Tenancy Branch