



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, OPRM-DR

Introduction

This hearing dealt with an Application for Dispute Resolution by Direct Request that was made on September 30, 2020 and adjourned to a participatory hearing. This hearing was convened pursuant to the Landlord's Application seeking the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent;
- a monetary order for unpaid rent; and
- the return of the filing fee.

The hearing was scheduled for 9:30pm on December 14, 2020 as a teleconference hearing. The Landlord and the Landlord's Agent appeared at the appointed date and time of the hearing. No one appeared for the Tenant. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Landlord, his Agent, and I were the only persons who had called into this teleconference.

The Landlord and his Agent testified the Application, and documentary evidence package were served to the Tenant by posting them to his door on October 9, 2020.

Preliminary Matters

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution,...when required to be given to one party by another, must be given in one of the following ways:

- (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 document]...*

The Landlord has not served the Tenant in a manner required by section 89(1) of the *Act*. As the Tenant did not attend the hearing, and the Landlord provided no evidence to indicate that the Tenant was properly served in accordance with the *Act*, I therefore dismiss the Landlord's Application with leave to reapply.

Conclusion

The Landlord did not serve the Notice of Hearing to the Tenant in accordance with the *Act*. As such, I dismiss the Landlord's Application 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: December 14, 2020

Residential Tenancy Branch