



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-PP, MNRL, FFL

Introduction

On October 6, 2020, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting an Order of Possession for the rental unit, a Monetary Order for unpaid rent, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Landlord attended the conference call hearing; however, the Tenant did not attend at any time during the 51-minute conference call. The Landlord testified that the Tenant was served with the Notice of Dispute Resolution Proceeding; however, the Landlord was unable to provide details of how or when the Notice was served. As a result, I find that the Tenant has not been duly served with the Notice of Dispute Resolution Proceeding, in accordance with Section 89 the Act.

I am, therefore, unable to hear the Landlord’s Application as I am not satisfied that the Tenant was properly served with the Notice of Dispute Resolution Proceeding. As a result, this Application is dismissed with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

In the event that the parties decide to reapply for dispute resolution, they will be required to resubmit all written evidence, upon which they intend to rely, to each other again. They will also need to submit their evidence to the Residential Tenancy Branch's online portal again.

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 15, 2020

Residential Tenancy Branch