



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPRM-DR, OPR-DR, FFL**

Introduction

This hearing, reconvened from an ex parte Direct Request proceeding, dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- An order of possession pursuant to section 55;
- A monetary award for damages and loss pursuant to section 67; and
- Authorization to recover the filing fee from the tenants pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord was represented by their agent (the "landlord"). The respondent SH appeared and confirmed they did not represent the other named respondent.

The landlord testified that they have not served the tenant with the Interim Decision of October 16, 2020 or the Notice of Reconvened Hearing. The tenant confirmed that they have not been served with the hearing package.

Issue(s) to be Decided

Is the landlord entitled to any of the relief sought?

Analysis

In the Interim Decision of the Branch dated October 16, 2020 the adjudicator orders that the matter be reconvened to a participatory hearing. The adjudicator writes:

Notices of Reconvened Hearing are enclosed with this interim decision. The applicant must serve the Notice of Reconvened Hearing, the interim decision,

and all other required documents, upon each of the tenants within three (3) days of receiving this decision in accordance with section 89 of the Act.

The landlord testified that they have not served the tenant with the Interim Decision and Notice of Reconvened Hearing. I accept the undisputed evidence of the parties that the landlord chose not to serve the tenant with the materials. Therefore, I find that the tenant was not served with the landlord's materials and I dismiss the landlord's application in its entirety with leave to reapply.

Conclusion

The landlord's application 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: December 17, 2020

Residential Tenancy Branch