



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1150305 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **OPU-DR, OPUM-DR, FFL**

Introduction

This matter proceeded by way of an ex parte Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the Act) and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on unpaid rent and a Monetary Order.

On February 16, 2021, this matter was heard, and an interim decision was made adjourning this matter to a participatory hearing. The interim decision found the tenant was deemed served with the original hearing package.

The landlord appeared at the reconvene hearing on May 10, 2021. The tenant did not appear, and service was considered.

The landlord testified that the tenant vacated the property in October 2020. The landlord stated that the tenant rented the barn and used it for storage. The landlord stated that the tenant was served a copy of the interim decision and the notice of new hearing by registered mail on February 17, 2021.

In this case the tenant did not reside at the property when the Adjudicator considered the service provision under the Act, because the landlord indicated in that application that the tenant was still living there. I find that the tenant was not living there at the time the original package was served or when the interim decision and new notice of hearing was sent. Therefore, I find the tenant was not served with the landlord's application in accordance with section 89 of the Act.

I am also not satisfied that this matter false within our jurisdiction. This was a barn rent for business purpose. There was no evidence submitted that leads me to believe this

was a rental unit being used for residential purpose, even though the barn has a kitchen and bathroom.

Based on the above, I dismiss the landlord's application with leave to reapply. Should the landlord make a future application they must prove service upon the tenant to an address where the tenant is residing and jurisdiction.

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: May 11, 2021

Residential Tenancy Branch