



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ANHART COMMUNITY HOUSING SOCIETY and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR-DR, FFL

### Introduction

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

- an order of possession for unpaid rent, pursuant to section 55; and
- authorization to recover the filing fee for this application, pursuant to section 67.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord's agent ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The hearing began at 11:00 a.m. with only me present. The landlord called in at 11:01 a.m. The hearing ended at 11:10 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 people who called into this teleconference.

The landlord confirmed that she was the director and administrator for the landlord company named in this application and that she had permission to speak on its behalf.

Rule 6.11 of the Residential Tenancy Branch *Rules of Procedure* does not allow recording of a hearing by any party.

I explained the hearing process to the landlord. The landlord had an opportunity to ask questions. The landlord did not make any adjournment or accommodation requests.

### Preliminary Issue – Direct Request Proceeding and Service

This hearing was originally scheduled as a direct request proceeding, which is a non-participatory hearing. The direct request proceeding is based on the landlord's paper application only, not any submissions from the tenant.

An "interim decision," dated April 27, 2021, was issued by an Adjudicator for the direct request proceeding. The interim decision adjourned the direct request proceeding to this participatory hearing.

The landlord was required to serve the tenant with a copy of the interim decision, the notice of reconvened hearing and all other required documents, within three days of receiving it, as outlined in the interim decision itself.

The landlord stated that the above documents were not served to the tenant. She said that only the original notice of direct request, the direct request worksheet, the tenancy agreement and the notice to end tenancy were served to the tenant.

Accordingly, I find that the tenant was not served with the interim decision and the notice of reconvened hearing, as required by section 89 of the *Act*. The tenant did not attend this hearing to confirm service.

I notified the landlord that the landlord's application was dismissed with leave to reapply, except for the filing fee. I informed her that the landlord could file a new application and pay a new filing fee, if the landlord chooses to pursue this matter further. The landlord confirmed her understanding of same.

### Conclusion

The landlord's application for an order of possession for unpaid rent is dismissed with leave to reapply.

The landlord's application to recover the \$100.00 filing fee is dismissed without 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: July 08, 2021

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Residential Tenancy Branch