



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR-DR, MNR-DR

### Introduction

This hearing originated as a direct request proceeding. In an Interim Decision dated March 30, 2021, a participatory hearing was ordered. This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent, pursuant to sections 46 and 55; and
- a Monetary Order for unpaid rent, pursuant to sections 26 and 67.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:20 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. The landlord and the landlord's agent (the "agent") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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, the agent and I were the only ones who had called into this teleconference.

The landlord and agent were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they are not recording this dispute resolution hearing.

The landlord confirmed their email addresses for service of this decision.

The Interim Decision stated:

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

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

The landlord testified that the tenant was served with the above documents via posting on April 1<sup>st</sup> or 2<sup>nd</sup> 2021. No proof of service documents were entered into evidence. The agent testified that he had a witness when the above documents were served. The agent attempted to call the witness to provide testimony of same; however, the witness did not call in. I kept the hearing line open until 11:20 a.m. to allow the witness a full opportunity to call in.

As no proof of service documents were entered into evidence and the landlord's witness for service did not provide testimony, I find that the landlord has not proved, on a balance of probabilities, that the tenant was served with the Interim Decision, Notice of Reconvened Hearing, and all other required documents in accordance with the Interim Decision and section 88 of the *Act*. The landlord's application is therefore 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: July 19, 2021

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Residential Tenancy Branch