



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS  
LTD and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR-DR, MNR

### Introduction

This hearing dealt with the adjourned Direct Request Application by the Landlord filed under the Residential Tenancy Act (the “*Act*”) for an order of possession to enforce a 10-Day Notice for Unpaid Rent (the Notice) issued on May 4, 2021, for a monetary order for unpaid rent, and to recover the filing fee paid for this application. The matter was set for a conference call.

An agent representing the Landlord (the “Landlord”) attended the hearing was affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the Act states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord testified that the Tenant had moved out of the rental unit on June 8, 2021, so the new Notice of Hearing documents had been emailed to the Tenant on June 9, 2021.

I have reviewed the Landlord’s documentary evidence, and I noted that the Landlord did not submit any evidence to support their claim that the new Notice of Dispute Resolution Hearing documents had been emailed to the Tenant. In the absence of supporting documentation, I am unable to confirm that the Tenant had been served with the new Notice of Dispute Resolution Hearing documents as required. Therefore, I find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Accordingly, I must dismiss the Landlord’s application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Landlord's application for an order of possession and a monetary order for unpaid rent with leave to reapply.

I dismiss the Landlord's application to recover the filing fee 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: September 20, 2021

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Residential Tenancy Branch