



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FFL

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act (Act). The landlord applied for an order of possession pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord, a monetary order for unpaid rent, and for recovery of the filing fee paid for this application.

This application began as an ex-parte application via the Direct Request process and was adjourned to a participatory based on the Interim Decision dated May 21, 2021, which should be read in conjunction with this decision. In that Interim Decision, the landlord was instructed to 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.

At the participatory hearing, the landlord attended the teleconference hearing. The tenant attended after the hearing had begun and said they had not received any documents from the landlord.

Prior to the tenant calling in late for the hearing, service of the Notice of Reconvened Hearing, the interim decision, and all other required documents was considered.

The landlord testified that they had not served the tenant with the notice of this hearing or any other documents. The landlord said they thought the Residential Tenancy Branch (RTB) would serve the documents.

Preliminary and Procedural Matters - Service of the hearing documents

Section 89(1) of the Act requires that the application for dispute resolution, which includes the notice of hearing, must be given by personally handing the documents to the tenant or by registered mail to the tenant's address where they reside or to their forwarding address. The landlord confirmed that the tenant had not been served the notice of this dispute resolution hearing, as required. Both parties have the right to a fair hearing and the respondent is entitled to know the full particulars of the claim made against them made in the landlord's application.

As the landlord confirmed they did not serve the tenant with the required documents, including the notice of this hearing, I **dismiss** the landlord's application, with leave to reapply.

As I did not proceed with the landlord's application, I decline to award them recovery of the filing fee.

Conclusion

The landlord's application was dismissed with leave to reapply, due to service issues as described above.

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 02, 2021

Residential Tenancy Branch