



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPN, FFL

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession.

An individual appeared at the hearing stating she was the new manager for the landlord and the applicant is no longer with the company. There was no appearance on part of the tenant despite leaving the teleconference call open at least 10 minutes.

The person appearing at the hearing stated she was not provided an information from the outgoing manager as to how, when or if the tenant was served with the proceeding package.

Section 59 provides that an Application for Dispute Resolution must be served upon the other party within three days of making the Application for Dispute Resolution. Section 89 provides for the ways an Application for Dispute Resolution and other required documents must be served upon the respondent. Where a respondent does not appear at the hearing, the applicant (or applicant's agent) must be prepared to prove service of the hearing materials upon the respondent in a manner that complies with the Act.

In the absence of any evidence to demonstrate the tenant was duly served with notification of this proceeding, I declined to consider the application further and I dismissed it 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: October 21, 2021

Residential Tenancy Branch