



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNU-DR, OPU-DR, FFL

### Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the landlord seeking an Order of Possession and a monetary order for unpaid utilities and to recover the filing fee from the tenant for the cost of the application. The application was made by way of the Direct Request process, which was adjourned to this participatory hearing and an Interim Decision was provided to the landlord on October 13, 2021.

The landlord attended the hearing, gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. The landlord testified that the tenant was served with the Interim Decision, Notice of Adjourned Hearing and all required documents by personally handing them to the tenant on October 15, 2021, and the tenant signed a document acknowledging receipt. The landlord believed that a copy of the acknowledgement by the tenant had been provided for this hearing, but none has been uploaded.

The onus is on the landlord to establish service, and I permitted the landlord more time to provide that evidence, and the hearing continued. However, during the course of the hearing, I advised the landlord that I am not satisfied with the evidence and the testimony to make any of the orders sought, and I dismissed the landlord's application with leave to reapply.

### Conclusion

For the reasons set out above, the landlord's application is hereby dismissed in its entirety 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: February 15, 2022

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Residential Tenancy Branch