



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

Introduction

This hearing originated as a Direct Request Proceeding and this participatory hearing was ordered in an Interim Decision dated October 6, 2021. 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;
- a Monetary Order for unpaid rent, pursuant to sections 26 and 67; and
- authorization to recover the filing fee from the tenants, pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:11 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was 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 and I were the only ones who had called into this teleconference.

The landlord was advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. The landlord testified that he was not recording this dispute resolution hearing.

Preliminary Issue- Amendment

In the hearing the landlord testified to the correct spelling of the tenant's name. The tenant's name was spelt incorrectly on this application for dispute resolution. Pursuant

to section 64 of the *Act*, I amend the landlord's application for dispute resolution to correctly spell the tenant's name.

Preliminary Issue- Service

The October 6, 2021, Interim Decision states:

Notices of Reconvened Hearing are enclosed with this interim decision. The applicant 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 above items were mailed via regular mail to the tenant and a copy was left in the tenant's mailbox. No proof of service documents were entered into evidence and the tenant did not attend this hearing. I find that the landlord has not proved, on a balance of probabilities, that the tenant received notification of this hearing. The landlord's application for dispute resolution is therefore dismissed with leave to reapply.

Conclusion

The landlord's application for dispute resolution is 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: February 08, 2022

Residential Tenancy Branch