



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPU-DR, MNU-DR, MNRL, MNDCL, FFL

Introduction

This hearing was scheduled to convene at 1:30 p.m. on March 11, 2022 concerning an application made by the landlord seeking the following relief:

- an Order of Possession for unpaid utilities;
- a monetary order for unpaid utilities;
- a monetary order for unpaid rent;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; 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 referred to this participatory hearing and an Interim Decision dated December 10, 2021 was provided to the landlord requiring the landlord to serve the tenant with the Interim Decision, Notice of Reconvened Hearing and all other required documents within 3 days of receiving the Interim Decision.

The landlord was represented at the hearing by an agent, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenant joined the call.

The landlord served the tenant with the Interim Decision and Notice of Reconvened Hearing by posting the required documents to the door of the rental unit on December 13, 2021 and a Proof of Service document has been provided for this hearing with a witness' signature.

Where a party claims monetary compensation from another party, the applicant must serve the Notice of Dispute Resolution Proceeding upon the respondent(s) in one of the following ways:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

Service by posting the documents to the door of the rental unit is not sufficient service. Since the tenant has not joined the hearing and the landlord has not served the documents in accordance with Section 89 above, I dismiss the landlord's application with leave to reapply. I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the landlord's application is hereby 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: March 11, 2022

Residential Tenancy Branch