



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONCERT REALTY SERVICES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as I had insufficient evidence to conclude that the Respondent had entered into a tenancy agreement with the Landlord.

The reconvened hearing was held to address the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a monetary Order for unpaid rent?

Background and Evidence

The Agent for the Landlord stated that on September 12, 2014 my interim decision and the Notice of Hearing were sent to the Respondent at the rental unit, via registered mail. The Agent for the Landlord cited a tracking number that corroborates this statement.

The Agent for the Landlord stated that the Respondent vacated the rental unit sometime prior to August 31, 2014.

Analysis

The purpose of serving the Notice of Hearing to respondents is to give them the opportunity to respond to the claims being made by the applicant. The Landlord was required to serve the Respondent with the Notice of this Hearing and my interim decision regarding this matter.

Section 88 of the *Act* authorizes an applicant to serve a respondent with documents by mailing them to the respondent's residential address. As the Respondent was no longer

residing at the rental unit when the Notice of Hearing was mailed on September 12, 2014, I find that the Notice of Hearing was not served to the Respondent in accordance with section 88 of the *Act*. As the Notice of Hearing was not served in accordance with section 88 of the *Act* and I have no evidence to show that he was aware of this hearing, I find I am unable to proceed in the absence of the Respondent.

Conclusion

As the Landlord has failed to establish that the Respondent was served with notice of his hearing, I dismiss the Application for Dispute Resolution, 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: September 29, 2014

Residential Tenancy Branch

