



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction, Preliminary and Procedural Matters-

The landlord's application was originally conducted by way of a direct request proceeding, pursuant to section 55(4) of the Residential Tenancy Act ("Act"), via the documentary submissions only of the landlord, requesting an order of possession for the rental unit due to unpaid rent and a monetary order for unpaid rent.

On March 26, 2015, an adjudicator of the Residential Tenancy Branch ("RTB") issued a Decision on the landlord's application, which stated that the landlord had not supplied sufficient evidence to support their application via their documentary submissions, due to a difference in the landlord's name on their application and 10 Day Notice to End Tenancy for Unpaid Rent or Utilities as opposed to the one listed in the written tenancy agreement. Due to the inconsistency, the adjudicator ordered that a participatory hearing be convened in order to determine the details of the landlord's application. This was that participatory hearing.

In the Decision of March 26, 2015, the adjudicator ordered the landlord to serve the tenant with the notice of the reconvened hearing and all required documents within three days of the receiving the Decision in accordance with section 89 of the Act.

At this participatory hearing, the landlord appeared; the tenant did not appear.

In response to my question, the landlord stated that she did not serve the tenant with the notice of this hearing or any documents at all, submitting that she did not understand the instructions in the Decision.

Analysis and Conclusion

To follow the requirements of section 89 of the Act, an applicant is required to serve the respondent by registered mail or personal service.

In the case before me, as the landlord confirmed that she had not served the tenant with the notice of this hearing or other documents, I find that the landlord failed to follow the directions of the Decision of March 26, 2015, for the purposes of the participatory hearing.

I therefore dismiss the landlord's application under this direct request proceeding, without leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are supplied in full and there are no documents which can be open to interpretation or inference.

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: May 8, 2015

Residential Tenancy Branch

