



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SEALINE HOLDINGS INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, O, FF

Introduction

This hearing was convened by conference call in response to the Landlord's Application for Dispute Resolution (the "Application") for an Order of Possession and a Monetary Order for unpaid rent. The Landlord also applied for "Other" issues and to recover the filing fee from the Tenant.

An agent for the Landlord appeared for the hearing. However, there was no appearance for the Tenant. The Landlord's agent explained that the Tenant would not be appearing for the hearing because the Tenant had not been served with notice of the Application and of this hearing because the Landlord relied on the Tenant to move out voluntarily as he had not disputed the notice to end tenancy for unpaid rent.

Section 59(3) of the *Residential Tenancy Act* provides that an applicant must serve a copy of the application and Notice of Hearing documents to the respondent within 3 days of receiving the paperwork from the Residential Tenancy Branch. As the Landlord failed to serve the Tenant with the documents for this hearing, I was not able to progress the Landlord's Application. As a result, I dismissed the Landlord's Application **with** leave to re-apply. However, as I have made no legal findings in this matter, this does not extend any time limit or periods provided to the parties under the Act. 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 19, 2017

Residential Tenancy Branch