



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 dealt with the landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for an order of possession, monetary order for unpaid rent and to recover the filing fee.

This application began as an ex-parte application via the Direct Request process in accordance with section 55(4) of the Act. On December 9, 2021, an adjudicator adjourned this matter to a participatory hearing due to service issues and issued an Interim Decision. That Interim Decision should be read in conjunction with this Decision.

On March 25, 2022, at 9:30 a.m., the adjourned hearing began and service of the Notice of Hearing for this adjourned hearing was considered after the landlords were affirmed and due to the tenants not attending the hearing. The landlords affirmed that they did not serve the Notice of Hearing for the adjourned hearing as the tenants vacated the rental unit on November 1, 2021, without any prior notice and have failed to give the landlords their written forwarding address.

Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The landlords were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The landlords were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the landlords were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance

Enforcement Unit for the purpose of an investigation under the Act. The landlords did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the landlords confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the landlords did not have an email address for the tenants, the decision will be mailed to the tenants, which is listed as the rental unit.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing process without having received the Notice of Hearing for the adjourned hearing. Therefore, I **dismiss** the landlords' application **with leave to reapply** as I am not satisfied that the tenants have been sufficiently served in accordance with the Act. I note this decision does not extend any applicable time limits under the Act.

I do not grant the filing fee due to the service issue. The landlords may consider applying for substituted service, which was described in detail during the hearing.

Conclusion

The landlords' application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the landlord and sent via regular mail to the tenants. The filing is not granted due to the service issue. The landlords have been advised of the ability to apply for substituted service.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 25, 2022

Residential Tenancy Branch