



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was scheduled to deal with an Application for Dispute Resolution by the landlord to obtain an Order of Possession and a Monetary Order for unpaid rent.

The landlord appeared and gave affirmed testimony.

Background and Evidence

In reviewing the landlord's application it was determined that the landlord listed incorrect surnames for both tenants on his application and served all documents pertaining to this hearing, listing the wrong surname for each tenant.

The 10 Day Notice to End Tenancy was also issued listing incorrect surnames for both tenants.

Analysis

I find that the landlord has failed to prove that the tenants, as listed on the tenancy agreement, have been properly served the 10 Day Notice to End Tenancy or the Dispute Resolution Documents and dismiss the application with out leave to reapply.

If the landlord serves the tenant's a new 10 Day Notice to End Tenancy, with the tenant's correct names and in accordance with the *Residential Tenancy Act*, he would then be able to reapply for dispute resolution.



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Conclusion

I dismiss this application without 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: April 16, 2009.

Dispute Resolution Officer