



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Dispute Codes:

MNDC, MNSD, RPP, FF

Decision

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for the return of personal property belonging to the Tenant and for an Order of Possession for the rental unit. The Tenant filed this Application for Dispute Resolution on June 25, 2009.

At the hearing, the Tenant stated that he personally served copies of the Application for Dispute Resolution and Notice of Hearing to an employee of the Landlord, whom he could not name, at the Landlord's business office on July 07, 2009. He stated that he also served copies of the Application for Dispute Resolution and Notice of Hearing to the manager of the residential complex, whom he could not name, on July 07, 2009.

Section 59(3) of the *Act* required the Tenant to serve a copy of the Application for Dispute Resolution on the Landlord within three days of making it, which in these circumstances would have been June 28, 2009. In the circumstances before me, the evidence shows that the Tenant did not serve the Landlord with the Application for Dispute Resolution or the Notice of Hearing until the day of the hearing.

I find that the Landlord was not served with sufficient notice of this hearing and I therefore dismiss the Tenant's 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: July 08, 2009.

Dispute Resolution Officer