



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: MND, MNR, MNSD, MNDC, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This is the Landlord’s application for a monetary order for damages and unpaid rent; to keep the security deposit; and to recover the filing fees for the cost of this application and the Landlord’s previous application.

Preliminary Matter

The Landlord’s agent testified that he mailed the Tenants the Notice of Hearing documents by registered mail, to the Tenant AP’s mother’s residence. The Landlord’s agent was not certain of the date the documents were mailed, but stated that it was within two days of receiving the documents from the Residential Tenancy Branch.

Section 89 of the Act stipulates the manner in which the Notice of Hearing documents must be served. The Tenants did not attend the conference and the Landlord did not serve the Tenants in accordance with Section 89 of the Act. Therefore, I am not satisfied that the Tenants received the Notice of Hearing documents.

The Landlord’s application is therefore dismissed with leave to re-apply.

Conclusion

The Landlord’s application is dismissed with leave to re-apply.