

## **DECISION**

Dispute Codes      MNR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlords seeking a Monetary Order for unpaid rent and to recover the cost of the filing fee from the Tenants for this application.

### Issues(s) to be Decided

Are the Landlords entitled to a Monetary Order for unpaid rent under section 67 of the *Residential Tenancy Act*?

### Background and Evidence

The Landlords attended the hearing and were not able to provide testimony regarding how or when the Tenants were served with the Notice of Dispute Resolution hearing package.

### Analysis

In the absence of testimony or evidence to support how or when the Tenants were served with the Notice of Dispute Resolution hearing package I find that service of the Notice of Dispute Resolution was not effected in accordance with Section 89 of the *Residential Tenancy Act*. As I have found the service of documents not to have been effected in accordance with the *Act*, I dismiss the Landlords' claim, with leave to reapply.

As the Landlords have not been successful with their application, I find that they are not entitled to recover the cost of the filing fee from the Tenants.

Conclusion

**I HEREBY DISMISS** the Landlords' claim, 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: March 10, 2010.

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Dispute Resolution Officer