

## **DECISION**

Dispute Codes      OPR MND MNR MNSD MNDC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for damage to the unit, for unpaid rent or utilities, to keep all or part of the pet and or security deposit, for money owed or compensation for damage or loss under the Act, and to recover the cost of the filing fee from the Tenants for this application.

### Issues(s) to be Decided

Is the Landlord entitled to an Order of Possession under section 55 of the *Residential Tenancy Act*?

Is the Landlord entitled to a Monetary Order a) for damage to the unit, and b) for unpaid rent or utilities, and c) to keep all or part of the pet and or security deposit, and d) for money owed or compensation for damage or loss under the Act, under sections 67 and 72 of the *Residential Tenancy Act*?

### Background and Evidence

The Landlord attended the teleconference hearing to advise that he has not been able to locate the Tenants and has not served the Tenants with notification of his application for dispute resolution.

### Analysis

The Landlord provided evidence that the notice of dispute resolution hearing packages have not been served to either Tenant

I find that service of the Notice of Dispute Resolution was not effected in accordance with Section 59 (3) of the *Residential Tenancy Act* which provides that a person who makes an application for dispute resolution must give a copy of the application to the other parties within 3 days of making the application.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have found the service of documents not to have been effected in accordance with the *Act*, I dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with his application, I decline to award recovery of the filing fee.

#### Conclusion

**I HEREBY DISMISS** the Landlord's 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 23, 2010.

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Dispute Resolution Officer