

## **DECISION**

**Dispute Codes**      MND, MNR

### **Introduction**

This hearing was convened by way of conference call to deal with the landlord's application for a monetary order for unpaid rent or utilities and for damage to the unit, site or property.

The landlord attended the conference call hearing, however the tenants did not attend.

### **Issues(s) to be Decided**

Is the landlord entitled to a monetary order for unpaid rent or utilities?

Is the landlord entitled to a monetary order for damage to the unit, site or property?

### **Background and Evidence**

At the outset of the hearing, the landlord stated that he served each of the 2 named respondents with the Landlord's Application for Dispute Resolution and notice of hearing documents by registered mail on April 5, 2010. The application was filed by the landlord on March 31, 2010, and the landlord received the documents for service upon the tenants on April 1, 2010.

### **Analysis**

Section 59 of the *Residential Tenancy Act* states that an application for dispute resolution must be in the applicable approved form, include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and be accompanied by the fee prescribed in the regulations. A person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. The landlord has not applied for

an order extending that time and in the absence of the tenants I cannot allow the landlord to amend the application at this time. I find that the landlord has not complied with Section 59 and therefore the application for a monetary order cannot be heard.

### **Conclusion**

The landlord's application is hereby dismissed 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 27, 2010.

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Dispute Resolution Officer