



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, MNDC, MNSD, & FF

Introduction

This hearing was to deal with an application by the landlord seeking an Order of Possession to the rental unit following the service of a one month Notice to End Tenancy for Cause on the tenant. The landlord has also sought a monetary claim related to alleged damage to the rental unit.

When I asked the landlord to confirm how the application for Dispute Resolution and notice of this hearing had been served on the tenant, the landlord stated that he was not aware he was required to serve the tenant. The landlord understood that the notice of hearing would be sent to the tenant by the *Residential Tenancy Branch*.

I explained to the landlord that the purpose of serving documents was to notify the other person of the claims being made against them and to provide them with adequate opportunity to respond and be heard. As the tenant was not served with notice of the landlord's application or of this hearing, I am dismissing the application with leave to re-apply. I informed the landlord that it was his obligation as the applicant to serve the tenant with notice of his application for Dispute Resolution, Notice of Hearing and any evidence in support of the application as required by sections 88 and 89 of the *Act*.

Conclusion

I dismiss the landlord's application with leave to re-apply. The landlord is at liberty to file a new application.

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: October 15, 2010.

Dispute Resolution Officer