



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord filed her application on August 19, 2010 and served the Tenants with the Application and Notice of Hearing (the "hearing package") by registered mail on September 21, 2010. Section 59(3) of the Act says that "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's agent claimed that the Landlord also attempted to serve one of the Tenants (N.K.) in person but that the Tenant would not accept the documents so she sent them by registered mail.

I find that there is insufficient evidence to conclude that the Tenants have been personally served with the Landlord's hearing packages. Although the Landlord did serve the Tenants with the hearing packages by registered mail (as permitted by s. 89 of the Act), I find that she did not do so within the time limits required under s. 59 of the Act. Consequently, the Landlord's application is dismissed with leave to reapply.

Conclusion

The Landlord's application is 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: October 06, 2010.

Dispute Resolution Officer