



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR MNR

Introduction

This was a reconvened hearing which dealt with an Application for Dispute Resolution by the landlords seeking an Order for Possession and a Monetary Order for unpaid rent. The Landlords originally applied through the direct request process which, upon review, was scheduled for a conference call hearing in accordance with section 74 of the *Residential Tenancy Act*.

Issues(s) to be Decided

Are the Landlords entitled to an Order of Possession for unpaid rent under section 55 of the *Residential Tenancy Act*?

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

Background and Evidence

The Agent for the Landlords testified service of the Notice of reconvened hearing packages were not sent to each Tenant. She stated that she was of the opinion that the *Residential Tenancy Branch* sent each Tenant copies of the reconvened hearing documents.

Analysis

The evidence supports the Landlords did not serve each Tenant with the Notice of Reconvened Hearing as instructed in the September 21, 2010 interim decision.

As per the aforementioned, I find that service of the Notices of Dispute Resolution was not effected in accordance with Section 89 of the *Residential Tenancy Act*.

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 Landlords' claim, with leave to reapply.

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: November 01, 2010.

Dispute Resolution Officer