



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This matter dealt with an application by the landlord to obtain a Monetary Order for damage to the unit, site or property, to recover unpaid rent and for money owed or compensation for loss or damage under the Residential Tenancy Act (Act), regulations or tenancy agreement. The landlord also applied to keep the tenants security deposit and to recover the filing fee for this application.

No hearing was held today as the landlord did not serve the tenant in accordance to section 59 (3) of the Act which states 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 filed their application on June 22, 2010 and did not serve the tenant until October 27, 2010. The tenant also states she did not receive all the landlords' evidence. Consequently, I find that the landlords delay in serving the hearing package on the tenants is unreasonable and as a result, this application is dismissed with leave to reapply.

The landlord has taken a note of the tenants forwarding address provided by the tenant at the hearing today.

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 09, 2010.

Dispute Resolution Officer