



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a Monetary Order to recover unpaid utilities. The landlord also seeks to recover the filing fee paid for this application.

The landlord testifies he served the tenant with a copy of the Application and Notice of Hearing by posting this to the tenants' door. The tenant did not attend the conference call. Section 89 of the *Residential Tenancy Act (Act)* states that an application for dispute resolution must be given to a tenant either by leaving a copy of it with the person; or by sending a copy of it by registered mail to the address at which the person resides or by sending a copy by registered mail to a forwarding address provided by the tenant or as Ordered by the Director under section 71(1) of the Act.

To find in favour of an application, 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. No hearing was held as the landlord did not serve the tenant with the hearing documents in accordance with section 89 of the *Act* and I therefore dismiss the landlord's application 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 30, 2010.

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Dispute Resolution Officer