



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenants' security deposit in partial payment of those amounts.

The Landlords said they served the Tenants with the Application and Notice of Hearing on October 22, 2010 by posting it to the rental unit door. Although s. 89(2) of the Act says that an application for an Order of Possession may be served on a Tenant by posting it, s. 89(1) of the Act says that all other applications (including those for a monetary order) must be served on a Tenant either in person or by registered mail. I find that the Tenants were not served with the Landlords' application for a Monetary Order as required by s. 89(1) of the Act and the Landlords' claims for unpaid rent and to keep the Tenants' security deposit are dismissed with leave to reapply.

At the beginning of the hearing, the Landlords said the Tenants vacated the rental unit on October 23 or 24, 2010. As the tenancy has ended, it is unnecessary to deal with the Landlords' application for an Order of Possession and that part of their claim is dismissed without leave to reapply.

Conclusion

The Landlords' application for an Order of Possession and to recover the filing fee is dismissed without leave to reapply. The Landlords' application for unpaid rent and to keep the Tenants' security deposit 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: November 18, 2010.

Dispute Resolution Officer