



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain a Monetary Order for damage to the rental unit and to recover the cost of the filing fee.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*, sent via registered mail on September 11, 2010. Mail receipt numbers were provided by the landlords' agent in evidence. The tenants were deemed to be served the hearing documents on September 16, 2010, the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlords' agent appeared, and stated he had faxed his evidence to the Residential Tenancy Branch on January 05, 2010. This evidence has not been received by the Dispute Resolution Officer before this hearing.

As no evidence has been presented before this hearing the hearing did not take place and therefore I dismiss the landlords' 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: January 07, 2011.

Residential Tenancy Branch