



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes (MND), (MNDC), MNSD, FF

Introduction

This matter dealt with an application by the Landlord for compensation for cleaning and repair expenses, for liquidated damages (or a lease break fee), to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord's agent said the Tenant was served on October 20, 2011 by registered mail with the Notice of Hearing and Application for Dispute Resolution (which was filed on August 10, 2011). Section 59(3) of the Act says that an Applicant must serve the other party with a copy of their application within 3 days of making it. I find that the Tenant was not served with the Landlord's hearing package within the time limit required under s. 59(3) of the Act and as a result, the Landlord's application is dismissed with leave to reapply.

Conclusion

The Landlord's application 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 03, 2011.

Residential Tenancy Branch