



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

Landlords: MNR, FF

Tenants: LRE, PSF, OLC, MNDC, MNSD

### **Introduction**

This matter dealt with an application by the Landlords for compensation for a loss of rental income for November 2011 and to recover the filing fee for this proceeding. The Tenants applied for an Order restricting the Landlords' right to enter the rental unit, for an Order that the Landlords comply with the Act or tenancy agreement, for an Order that the Landlords provide services or facilities, for compensation for damage or loss under the Act or tenancy agreement and for the return of a security deposit.

At the beginning of the hearing the Tenants requested an adjournment as they claimed that a few weeks after they filed their application, the Landlords enforced an Order of Possession and as a result they do not have a telephone or access to their documentary evidence which they claim is in storage. I find that an adjournment would not be appropriate in these circumstances and consequently, the Tenants' application *for compensation only* is dismissed with leave to reapply. Given that the tenancy has ended, the Tenants' application for an Order restricting the Landlords' right to enter the rental unit, for an Order that the Landlords comply with the Act or tenancy agreement, and for an Order that the Landlords provide services or facilities is moot and they are dismissed without leave to reapply. Given further that the Landlords were granted an order on October 19, 2011 (in other proceedings) to retain the Tenants' security deposit in partial satisfaction of unpaid rent, I find that the Tenants are barred from re-applying for that relief and that part of their application is also dismissed without leave to reapply.

The Landlords said they served the Tenants with the Application and Notice of Hearing (the "hearing package") by posting it to the rental unit door on November 10, 2011. The

Tenants claimed that they were moving their belongings from the rental unit that day and the next but found no documents posted to the door. Section 89(1) of the Act says that an Application for a monetary order must be served on a tenant either in person or by registered mail to their residence. I find that the Landlords did not serve the Tenants with their hearing package as required by s. 89(1) of the Act and as a result, their application is dismissed with leave to reapply.

### Conclusion

The Landlords' application is dismissed with leave to reapply. The Tenants' application *for compensation only* 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 21, 2011.

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Residential Tenancy Branch