



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

Tenant's application: OLC; RPP; LRE; AAT; O; FF

Landlords' application: OPR; MNR; MND; MNSD; MNDC

### **Introduction**

This Hearing was convened to consider cross applications. The Tenant seeks an Order that the Landlords comply with the Act, regulation or tenancy agreement; return of the Tenant's property; an Order suspending or setting conditions on the Landlords' right to enter the rental unit; an Order allowing access to the rental unit for Tenant or the Tenant's guests; and to recover the cost of the filing fee from the Landlords.

The Landlords seek an Order of Possession; a Monetary Order for unpaid rent, damages to the rental property and compensation for damage or loss; and to retain the security deposit in partial satisfaction of the Landlords' monetary award.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that he mailed the Notice of Hearing documents, by registered mail, to the Tenant on December 1, 2011. He stated that he also mailed the Landlords' evidence package to the Tenant on December 7, 2011. The Landlord did not provide documentary proof of service (the registered mail receipt and tracking number), but gave the tracking numbers orally at the Hearing. The Canada Post electronic tracking service did not have a record for either of the tracking numbers provided by the Landlord.

The Tenant did not sign into the Hearing and therefore did not provide proof of service of her application upon the Landlord. Therefore, her application is dismissed with leave to reapply.

The Landlord testified that he has taken possession of the rental unit and therefore his application for an Order of Possession is dismissed. The remainder of the Landlords' application is dismissed with leave to reapply.

### **Conclusion**

The Tenant's application is dismissed **with leave to reapply**.

The Landlords' application for an Order of Possession is **dismissed**. The remainder of the Landlords' 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: January 04, 2012.

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Residential Tenancy Branch