



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the landlord for an Order of Possession for unpaid rent or utilities; for a monetary order for damage to the unit, site or property; for a monetary order for unpaid rent or utilities; and to recover the filing fee from the tenant for the cost of this application.

The named landlord attended the conference call hearing provided an evidence package in advance of the hearing to the Residential Tenancy Branch and to the tenant, however the tenant did not attend the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent or utilities?
Is the landlord entitled to a monetary order for damage to the unit, site or property?
Is the landlord entitled to a monetary order for unpaid rent or utilities?

Background and Evidence

The landlord stated that the tenant was served by handing the Landlord's Application for Dispute Resolution, notice of hearing and evidence to the tenant's daughter on July 8 or 9, 2012, but does not recall the exact date.

The landlord also advised that the named landlord is not the landlord named in the tenancy agreement, but the landlord is the son of the named landlord, and the named landlord is appearing as an agent for the landlord.

Analysis

The *Residential Tenancy Act* states that a party who makes a monetary claim against another party must serve that party with the Application for Dispute Resolution and notice of hearing documents either in person or by registered mail and the documents

must be served within 3 days of making the application. The *Act* does not permit an application of this nature to be served on a person other than a party, and the landlord could not provide evidence or testimony with respect to when the tenant's daughter was served.

Conclusion

For the reasons set out above, the landlord's application is hereby 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: July 18, 2012.

Residential Tenancy Branch