



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, for compensation for loss or damage under the Act, regulations or tenancy agreement, to retain the Tenants' security deposit and to recover the filing fee for this proceeding.

The Landlords said they served the Tenants with the Application and Notice of Hearing (the "hearing package") by posting it on the door of the Tenants rental unit on August 1, 2012. Based on the evidence of the Landlords, I find that the Tenants were not served with the Landlords' hearing package as required by s. 89 of the Act. Section 89 of the Act does not allow a monetary claim to be served to party by posting it on the door of the rental unit. Consequently the Landlord's monetary claim is dismissed with leave to reapply.

At the start of the conference call the Landlord said they had applied for an Order of Possession. I have reviewed the Landlords' application which is dated August 1, 2012 and received and date stamped by the Residential Tenancy Branch on August 1, 2012. The box on page two of the application for an Order of Possession for a breach of an agreement was ticked off and then it is scratch out and initialled. The initials appear to be similar as the other initials on the application for other changes. In addition the applicants have made no reference to an Order of Possession in the area given for the details of the dispute. The information provided by the Landlords in the area for details of dispute is a request for \$300.00 for July, 2012 rent and for loss of rent for August of \$1,000.00. The Landlord did state the tenancy ended July 31, 2012 and the Tenants have failed to vacate the rental unit, but there is no request to end the tenancy or request an Order of Possession. As the Tenants did not attended the hearing it was not possible to confirm the contents of the documents they received; therefore I find the request for an Order of Possession has been deleted from the Landlord's application and the Landlords will have to make a new application if they are seeking to end the tenancy with an Order of Possession.

Conclusion

The Landlords' application is dismissed with leave to reapply.

I order the Landlords to bear the cost of the filling fee of \$50.00 which they have already paid.

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*.

Residential Tenancy Branch