



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Tenant's Application: CNR, CNC, ERP, RP, PSF, RPP, LRE, FF
Landlord's Application: OPR, OPC, MNR, MNDC, FF

Introduction

This hearing was scheduled for 3:00 p.m. on today's date, via teleconference call, to deal with cross applications. The tenant did not appear at the hearing despite leaving the teleconference call open for 10 minutes. The landlords appeared at the hearing and confirmed receipt of the tenant's application upon them.

As the tenant failed to appear and the landlords were prepared to deal with the tenant's application, I dismissed the tenant's application without leave to reapply.

With respect to the landlord's application I heard testimony that the landlord's application was posted on the tenant's door on August 20, 2012 or August 21, 2012. The landlords confirmed that the tenant has since vacated the rental unit and the only outstanding issue pertains to monetary claims.

I noted that the landlord's application was filed on August 23, 2012 and a Notice of Hearing was prepared on August 28, 2012; therefore, I was unsatisfied the tenant was notified that today's hearing was to deal with the landlord's Application for Dispute Resolution. Further, the Act requires that an Application for Dispute Resolution involving a monetary claim must be served upon a tenant by personal delivery or registered mail. Thus, posting the Application for Dispute Resolution for a monetary claim does not comply with the Act.

Having found the tenant was not sufficiently served with the landlord's application for monetary compensation in a manner that complies with the Act, I dismissed the landlord's claims 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: September 20, 2012.

Residential Tenancy Branch