



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants: CNC, AAT, MT, FF
For the landlords: OPC, OPR, MNDC, FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the Residential Tenancy Act (the "Act").

The tenants applied for an order cancelling a 1 Month Notice to End Tenancy for Cause (the "Notice"), an order requiring the landlord to allow access to the rental unit, for an order granting more time to make an application to cancel a notice to end tenancy and for recovery of the filing fee.

The landlord applied for order of possession due to unpaid rent and for cause, a monetary order for money owed or compensation for damage or loss and for recovery of the filing fee.

The landlord appeared and gave affirmed testimony.

As a preliminary issue, the landlord stated that the tenants have vacated the rental unit and that he no longer required an order of possession. As a result, I have amended his application to exclude a request for an order of possession and dealt only with a request for a monetary order and for recovery of the filing fee.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and to recover the filing fee?

Background and Evidence

The tenants did not appear at the hearing.

The landlord testified that the tenants were served with his Application for Dispute Resolution and Notice of Hearing by having his friend post the documents on the door on August 21, 2012.

Analysis

Section 89 (1) of the Residential Tenancy Act states that an application for dispute resolution **must** be served upon the respondent (the tenants in this case) **leaving it with the other party, by registered mail to the address at which the person resides, or if a tenant, by registered mail to the forwarding address provided by the tenant.**

Conclusion

I find the landlord failed to serve the tenants his application for dispute resolution and notice of hearing in a manner required by the Act when the documents were posted on the door.

I therefore dismiss the landlords' application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

As the tenants failed to appear in support of their application, I also dismiss their application, without 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 19, 2012.

Residential Tenancy Branch