



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, (MNR), MND, MNDC, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for compensation for repair expenses and anticipated cleaning expenses, to recover the filing fee for this proceeding and to keep the Tenants' security deposit in partial payment of those amounts.

The Landlords' agents said they served the Tenants with the Application and Notice of Hearing (the "hearing packages") on September 25, 2012 by putting the hearing packages through the rental unit's mail slot. Section 89(1) of the Act says that an application for dispute resolution that includes a monetary claim must be served either in person or by registered mail. Consequently, I find that the Tenants were not served with the Landlord's hearing packages as required by s. 89 of the Act and as a result, the Landlord's application is dismissed with leave to reapply.

### Conclusion

The Landlord's 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: October 29, 2012.

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Residential Tenancy Branch