



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, OPC, OPB, MNDC, OLC, OPT, FF

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, Cause and breach of an agreement with the landlord; compensation for damage or loss under the Act and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenants applied requesting compensation for damage or loss under the Act, an Order the landlord comply with the Act; an Order of possession and to recover the filing fee costs from the landlord.

The landlords confirmed service of the tenant's Notice of hearing.

The tenants did not attend the hearing; the hearing began at 1:30 p.m. and concluded at 1:44 p.m. As the tenants failed to attend the hearing in support of their claim I find that their application is dismissed.

The landlord provided affirmed testimony that on October 15, 2012, each of the tenants were served with Notice of the hearing, sent to the address provided by the tenants on their application for dispute resolution. A copy of a Canada Post tracking was supplied as evidence which showed that an unknown individual signed accepting the mail on October 17, 2012.

The landlord could not identify the person who signed for the registered mail and confirmed that the tenants were not individually served with notice of the hearing. Therefore, in the absence of evidence that each tenant had been served with Notice of the hearing, as required by the Act, I determined that service could not be established and that the application is dismissed with leave to reapply.

Conclusion

The tenant's application is dismissed.

The landlord's application is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 02, 2012.

Residential Tenancy Branch