



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlords for an Order of Possession for unpaid rent or utilities; for a monetary order for unpaid rent or utilities; for a monetary order for damage to the unit, site or property; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order permitting the landlords to keep the security deposit or pet damage deposit; and to recover the filing fee from the tenants for the cost of the application.

One of the landlords attended the conference call hearing, and the landlords have provided evidentiary material prior to the commencement of the hearing. However, the landlord advised that the tenants have refused to return calls or provide a forwarding address, and the tenants vacated the rental unit on or about February 12, 2013, and therefore, the landlords have been unable to serve the tenants.

Background and Evidence

The landlord advised that the Monetary Order Worksheet, which contains a different amount claimed than the application, is not conclusive due to ongoing repairs caused by the tenants' failure to comply with the *Act*.

Analysis

The *Residential Tenancy Act* states that a person who makes an application for dispute resolution must give a copy of it to the other party within 3 days of making it.

In the circumstances, the landlord was not affirmed, and the application is dismissed with leave to reapply due to the fact that the landlords have not provided sufficient evidence that the tenants have been served within 3 days of making the application.

Conclusion

For the reasons set out above, the landlords' application is hereby 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: March 11, 2013

Residential Tenancy Branch

