



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bayside Property Services Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MND, MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for damage to the unit – Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

At the onset of the Hearing, the Landlord provided evidence that both Tenants were served with one package containing a copy of application for dispute resolution and notice of hearing by registered mail.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it. Section 89(1) of the Act provides that an application, when required to be given to one party by another, must be given in a number of ways, including by registered mail. As the Landlord has named two Parties as Respondents, each Party must therefore be given a copy of the application for dispute resolution. Considering that the Landlord has only sent one copy to the Parties together and not separately, I find that the Landlord has not met the service requirements under the Act and I therefore dismiss the application 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: July 08, 2013

Residential Tenancy Branch