



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nacel Properties LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by an agent for the landlord; one of the tenants his two advocates.

At the outset of the hearing the tenant's advocate submitted that the tenant did not receive any evidence from the landlord in regard to their Application. I note that the landlord had provide several documents to the Residential Tenancy Branch (RTB) as evidence including a copy of a 10 Day Notice to End Tenancy for Unpaid Rent; the tenancy agreement; and an application for tenancy.

The landlord's agent testified that she served the tenant with the package provided by the RTB but did not add anything more. As the RTB would have only provided the landlord with a package that includes the Notice of Hearing documents and several fact sheets about the hearing process and would not have included any copies of evidence I am satisfied the landlord failed to serve the tenant with any evidence that they intended to rely upon for this hearing.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

As the landlord failed to serve the tenant with any evidence for this proceeding I dismiss this Application in its entirety 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: November 07, 2013

Residential Tenancy Branch

