



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      Landlord: OPR, MNR, FF  
                             Tenant: O, FF

### Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenant sought to dispute the landlord's notice to end tenancy

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting it the tenant's rental unit door on January 19, 2014.

Section 89 of the *Act* stipulates that an application for dispute resolution, when required to be given to one party by another, must be given in one of the following ways:

- (a) By leaving a copy with the person;
- (b) If the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) By sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) If the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) As ordered by the director under section 71 (1).

Based on the testimony of the landlord, I find that the landlord failed to serve the tenant with a copy of his hearing documents and Application for Dispute Resolution in accordance with Section 89.

The tenant also testified that despite attempting to serve the landlord personally with his Application he was unsuccessful in doing so. Based on the testimony of the tenant, I find that the tenant failed to serve the landlord with a copy of his hearing documents and Application for Dispute Resolution in accordance with Section 89.

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 tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

It must also be decided if the tenant is entitled to determination whether a tenancy exists and cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 1, 67, and 72 of the *Act*.

Conclusion

As neither party has served the other with copies of their hearing documents including copies of their respective Applications I dismiss both Applications 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: February 27, 2014

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Residential Tenancy Branch

