



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to an application by the Landlord for an Order of Possession and a Monetary Order for: unpaid rent or utilities; to keep all or part of the pet damage or security deposit; for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement; and to recover the filing fee from the Tenant for the cost of this application.

The Landlord made the Application for Dispute Resolution and was provided with the Notice of Hearing documents on January 22, 2014 to be served onto the Tenant within 3 days as required by Section 59(3) of the Act, the latest date being January 25, 2014.

An agent for the Landlord appeared for the hearing and testified that a copy of the application and Notice of Hearing documents were served to the Tenant by registered mail on January 27, 2014; the Landlord's agent provided the Canada post tracking number as evidence for this method of service. As the Landlord failed to comply with Section 59(3) in serving the hearing documents to the Tenant, I find that the Tenant has not been served in accordance with the Act.

Conclusion

For the above reasons, I dismiss the Landlord's application but give leave to re-apply.

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, 2014

Residential Tenancy Branch

