



# 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 FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order of possession for unpaid rent or utilities, a monetary order for unpaid rent or utilities, to keep all or part of the pet damage deposit or security deposit, and to recover the filing fee.

Two agents for the landlord (the "agents") attended the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") was considered. The agents testified that the Notice of Hearing and Application was mailed via registered mail to the tenants at the rental unit address on February 21, 2014. A tracking number was provided in evidence. The agents testified that the tenants were mailed the Notice of Hearing and Application, and evidence to both tenants in the same registered mail package and did not serve the tenants individually with their own packages.

### Preliminary and Procedural Matter

As the landlord has served both tenants in the same registered mail package, I find that each respondent has not been individually served, as required by section 89 of the *Act* and section 3.1 of the Rules of Procedure.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the landlord's application **with leave to reapply** as I am not satisfied the tenants have been sufficiently served with the Notice of Hearing and Application. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: April 10, 2014

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Residential Tenancy Branch

