



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cyclone Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPC, MNR, MNSD, 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 the landlord.

The landlord testified the tenants were 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 registered mail on February 20, 2014 in accordance with Section 89.

The landlord clarified that he had served 1 package to both tenants and sent it in one registered mail package addressed to both at the dispute address. The landlord also testified the package was returned to him.

Service to each respondent named in an Application for Dispute Resolution is required to ensure that all respondents are aware of the claims made against them or in the alternative for each of the respondents to choose to accept or decline service of the Application. I note, however, that deliberate refusal to accept service of documents is not an indication that service was not completed sufficiently under the *Act*.

Based on the landlord's testimony, I find the landlord failed to serve both respondents named, individually, sufficiently to proceed with this Application.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent or for cause; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the

Application for Dispute Resolution, pursuant to Sections 38, 46, 47, 55, 67, and 72 of the *Act*.

Conclusion

Based on the above, I dismiss this 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: April 11, 2014

Residential Tenancy Branch

