



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BENNETT MANOR C/O GATEWAY PROPERTY MANAGEMENT CORP  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes            MNR, MND, MNSD, FF

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Landlord for a Monetary Order for unpaid rent or utilities, for damage to the unit, site or property, to recover the filing fee and to keep all or part of the security or pet damage deposit.

An agent for the Landlord and the property manager appeared for the hearing and provided affirmed testimony; however no documentary evidence was provided by any of the parties. There was no appearance for the Tenant during the eight minute duration of the hearing. As a result, I turned my mind to the service of the Landlord's Application and Notice of Hearing documents by the Landlord to the Tenant. The property manager confirmed and verified with the company staff that the hearing package had **not** been served to the Tenant as there was some confusion whether this had been done by registered mail.

### Analysis & Conclusion

Section 59(3) of the Act provides that an Applicant making an Application must serve a copy with the Notice of Hearing documents to the Respondent within three days of receiving the paperwork from the Residential Tenancy Branch. In this case, I find that the Landlord failed to serve the documents to the Tenant as required by the Act. As a result, I dismiss the Landlord's Application but provide **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: August 18, 2014

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Residential Tenancy Branch

