Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   OPR, MNR

<u>Introduction and Preliminary Matter</u>

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for a monetary order for unpaid rent and an order of possession for the rental unit due to unpaid rent.

The landlord's agent attended; the tenants did not attend the telephone conference call hearing.

At the outset of the hearing, the landlord's agent was unable to state whether or not the tenants were served the landlord's application and Notice of Hearing.

<u>Analysis and Conclusion</u>

Section 89(1) of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondents (the tenants in this case) by leaving it with the person, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

In the case before me I find that the landlord failed to provide sufficient evidence that the tenants were served the landlord's application for dispute resolution and notice of this hearing in a manner required by the *Act* and as a result, I dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondents.

Dated: September 11, 2014

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Residential Tenancy Branch