



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for a Monetary Order for damage to the unit, site or property; for an Order permitting the landlord to keep all or part of the tenants security and pet deposit; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the tenant for the cost of this application.

At the outset of the hearing a discussion took place in which the landlord stated that the tenant was served the hearing documents by registered mail. The tenant agreed she had received the hearing documents however the hearing documents were in another tenant's name and a different address. The landlord confirmed that in his package he had documents for this tenant and another tenant residing at a different address. The landlord stated that this tenant may have been served the wrong hearing package.

To find in favour of an application or to hold a hearing, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As the landlord has failed to serve the tenant with hearing documents pertaining to the tenant's tenancy in accordance with section 89 of the *Act*, I am unable to determine that the tenant has been properly served and I must dismiss the landlord's 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: September 12, 2014

Residential Tenancy Branch

