



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CARPREIT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNSD, MNR, MNDC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession based on unpaid rent, a Monetary Order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, an Order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Only the Landlord's agent, E.B., appeared at the hearing. He gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me.

### Preliminary Matter

E.B. testified she served the Tenant with the Notice of Hearing and their Application on August 27, 2014 by registered mail. As the Notice of Hearing was dated October 2, 2014, it became clear that E.B. was prepared to deal with a previous application, which dealt with the same tenant and rental unit, but had been previously cancelled. E.B. was not aware that a further application had been made and confirmed the Tenant had not been served with the new Notice of Hearing and Landlord's Application for Dispute Resolution.

As the Tenant was not served with the new Notice of Hearing and Landlord's Application for Dispute Resolution, the application could not proceed as to do so would offend the principals of natural justice.

Conclusion

The Landlord failed to serve the Tenant with the new Notice of Hearing and Landlord's Application for Dispute Resolution and as such the application is dismissed 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: October 21, 2014

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Residential Tenancy Branch

