



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **DECISION**

### Dispute Codes:

MNDC, MNR, MNSD, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss; for a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution.

### Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent?  
Is the Landlord entitled to recover a "move-in bonus"?  
Is the Landlord entitled to liquidated damages?  
Is the Landlord entitled to retain all or part of the security deposit?

### Background and Evidence

The Agent for the Landlord stated that on September 19, 2014 the Application for Dispute Resolution and the Notice of Hearing were sent to the rental unit, via registered mail, in one package that was addressed to both Tenants. The Landlord submitted a Canada Post receipt that corroborates this statement.

### Analysis

From the information provided, I am unable to determine which of the two Tenants received the Notice of Direct Request Proceeding.

The Landlord has applied for a monetary Order which requires that the Landlord serve each Tenant as set out under section 89(1) of the *Residential Tenancy Act (Act)*. As I am unable to determine which of the two Tenants has been served with the Application for Dispute Resolution, I am unable to conclude that either party has been served in accordance with section 89(1) of the *Act*.

As the Landlord has failed to establish that either Tenant has been served with the Application for Dispute Resolution in accordance with section 89(1) of the *Act*, I am unable to proceed with the hearing in the absence of the Tenants.

Conclusion

As I have made no findings in regards to the merits of the Landlord's Application for Dispute Resolution, 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: April 14, 2015

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Residential Tenancy Branch

