



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND MNR, MNSD, MNDC, FF

### Introduction

The landlord applies to recover compensation for unpaid rent, bailiffs' fees, court filing fees, unpaid utilities and for damage to the premises.

Neither tenant attended the hearing.

### Issue(s) to be Decided

Have the tenants been duly served with this application and the notice of hearing? If so, does the relevant evidence presented at the hearing show that the landlord is entitled to any of the relief requested?

### Background and Evidence

The landlord had not filed documents proving service. Following the hearing he was provided with an opportunity to submit them and has since filed an unsworn letter from Mr. A.R. of a bailiffs services company confirming that he had served "the attached document" on the "named tenants" on March 11, 2015.

The document attached to the bailiff's letter is a copy of the two page application for dispute resolution and a copy of the two page "Monetary Order Worksheet" filed in this matter.

### Analysis

There is no indication in the bailiff's letter that he served the tenants with the "Notice of a Dispute Resolution Hearing" document issued March 11, 2015. That notice of hearing is an essential document and must be served on a respondent to inform him or her when the claim set out in the application will be heard. The notice of hearing document also gives a respondent vital instructions on how to dial in to the telephone hearing.

Without proof of service of the Notice of a Dispute Resolution Hearing on the tenants, the landlord's claim cannot, in fairness, proceed in their absence.

Conclusion

The application must be dismissed, with 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 21, 2015

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Residential Tenancy Branch

