



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, MNR, MNDC, FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for landlords' use of property, pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 19 minutes. The two landlords attended the hearing and were each given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Landlords' Application

The male landlord testified that the tenant was personally served with the landlord's application for dispute resolution hearing package ("Application") on June 18, 2015. The female landlord confirmed that she witnessed this service. When questioned as to how the Application was served on June 18 when the notice of dispute resolution hearing was dated for June 19, the landlords were confused and insisted that the June 18 service date was correct.

Analysis – Service of Landlords' Application

I find that the landlords have failed to sufficiently demonstrate that the tenant was served in accordance with section 89 of the *Act*. The landlords provided a service date prior to the date on the notice of hearing. For the above reasons, I am not satisfied that

the tenant was served with the landlords' Application in accordance with section 89 of the *Act*.

At the hearing, I advised the landlords that I was dismissing their Application to recover the \$50.00 filing fee without leave to reapply. I further advised the landlords that I was dismissing the remainder of their Application with leave to reapply. I advised the landlords that they would be required to file a new application and pay another filing fee if they wished to pursue this matter.

Conclusion

The landlords' Application for an order of possession for landlord's use of property, a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, *Regulation* or tenancy agreement, is dismissed with leave to reapply.

The landlords' Application to recover the \$50.00 filing fee is dismissed without leave to reapply. The landlords must bear the cost of this filing fee.

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 17, 2015

Residential Tenancy Branch

