



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, ET, FF

Introduction

This hearing convened as a result of a Landlords' application for dispute resolution wherein he sought an Order of Possession for unpaid rent, an early end to tenancy pursuant to section 56(1), a Monetary Order for unpaid rent, money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, authority to retain the security deposit and to recover the filing fee.

Only the Landlord appeared at the hearing. As the Tenants did not appear, service of the Landlord's Application and the Notice of Dispute Resolution was considered.

The Landlord provided affirmed testimony and testified that he did not serve the Tenants as he was not aware he was required to do so.

The Residential Tenancy Branch Rules of Procedure provide as follows:

3.1 Documents that must be served

The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the application for dispute resolution;
- b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;
- c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch;
- d) a detailed calculation of any monetary claim being made;
- e) a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and

- f) any other evidence, including evidence submitted to the Residential Tenancy Branch with the application for dispute resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an application for dispute resolution*].

The Landlord did not serve the Tenants with his application such that they were not aware of this proceeding. A fundamental principle of natural justice is that a party to a proceeding is entitled to know the nature of the dispute and have an opportunity to answer any allegations against them. As the Landlord did not serve the Tenants, his application is dismissed with leave to reapply.

Conclusion

The Landlord did not serve the Tenants; accordingly his 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: September 21, 2015

Residential Tenancy Branch

