



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AWM ALLIANCE REAL ESTATE GROUP  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, MNR, FF

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an Order of Possession for cause, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two tenants did not attend this hearing, which lasted approximately 12 minutes. The landlord’s agent, RC (“landlord”) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he is the property manager for the landlord company named in this application and that he had authority to speak on its behalf at this hearing.

### Preliminary Issue – Service of Landlord’s Application

The landlord testified that he did not know the date or method by which the tenants were served with the landlord’s application for dispute resolution hearing package (“Application”). The landlord said that he thought the Application was served on May 31, 2016, but that was before the Application was filed on June 1, 2016 and the notice of hearing was generated on June 2, 2016.

As per section 59(3) of the *Act*, the landlord is required to serve its Application upon the tenants within three days of making it. During the hearing, the landlord could not confirm a date or method of service under section 89 of the *Act*. Therefore, I find that the two tenants were not served with the landlord’s Application as required under the *Act*.

At the hearing, I advised the landlord that his Application to recover the \$100.00 filing fee was dismissed without leave to reapply and the remainder of his Application was dismissed with leave to reapply. I notified the landlord that he could file a new application for dispute resolution and pay a new filing fee if he wished to pursue this matter further.

### Conclusion

The landlord's Application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the landlord's 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: July 04, 2016

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Residential Tenancy Branch