



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPB, MNSD, MNDC, FF

Introduction

This matter dealt with an application by the Landlord to end the tenancy, for an Order of Possession, for loss of damage under the Act, regulations or tenancy agreement, to retain the Tenants' security deposit, and to recover the filing fee for this proceeding.

The Landlord said he filed the application on June 10, 2016 and he tried to serve the Tenants with the Application and Notice of Hearing (the "hearing package") by personal delivery but he did not know where the Tenants were as they had left the rental unit unannounced in their RV. The Landlord said he did not give the Tenants the hearing package so they did not know the hearing was taking place.

Based on the evidence of the Landlord, I find that the Tenants were not served with the Landlord's hearing package as required by s. 89 of the Act. Service of the Hearing package is to be within 3 days of filing an application. Consequently, I dismiss the Landlord's application due to lack of service of the Application and Notice of Hearing (the "Hearing package").

Conclusion

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 13, 2016.

Residential Tenancy Branch

