



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an order of possession for unpaid rent, a monetary order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on August 17, 2016 copies of the Application for Dispute Resolution and Notice of Hearing were placed on the door of the rental unit.

These documents are deemed to have been served on the third day after posting; however the tenant did not appear at the hearing.

Preliminary Matters

The landlord did not serve the hearing documents as required by the Act when requesting a monetary order. The documents were placed on the door, not given via registered mail or personal delivery. Therefore, the application was amended to hear the request for an order of possession only.

The landlord has leave to reapply requesting compensation.

The landlord did not supply a copy of the 10 day Notice to end tenancy for unpaid rent. The landlord could not locate a copy of the Notice during the hearing. Section 2.5 of the Rules of Procedure requires an applicant to submit a copy of a Notice ending tenancy if an order of possession is sought.

Therefore, as a copy of the Notice to end tenancy could not be referenced during the hearing and a copy was not supplied as evidence I determined that the application must be dismissed with leave to reapply.

Conclusion

The application is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 08, 2016

Residential Tenancy Branch