



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF, ET, CNR, OCL, MNDC MT

Introduction

In the first application, by filing date, the tenants seek to cancel a ten day Notice to End Tenancy for unpaid rent received July 29, 2016. The tenants did not file a copy of the Notice they challenge.

In the second application, the landlord Ms. K. seeks an order of possession and a monetary award for unpaid rent.

Neither tenant attended for the hearing within fifteen minutes after its scheduled start time. The tenants do not appear to have filed any material in support of their claim. As result, the tenants' application is dismissed.

As Mr. D. attended the hearing on behalf of the landlords and was ready to defend them against the tenants' claims, the tenants' application is dismissed without leave to re-apply.

Mr. D. says the tenants have vacated the premises and so an order of possession is not required.

Mr. D. indicates that the landlord Ms. K.'s application was served on the tenants by putting a copy of it in the tenants' mailbox on an unspecified dated.

As discussed during the hearing, such a mode of service is not one permitted under s. 89 of the *Residential Tenancy Act* (the "Act").

The *Act* permits an arbitrator little discretion in the matter. I find the tenants have not been served with the landlord's application and notice of hearing in accordance with the law.

The landlord's claim for monetary relief must therefore be dismissed, with leave to re-apply.

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 27, 2016

Residential Tenancy Branch