



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, 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 landlords applied for:

- an Order of Possession for cause, pursuant to section 55; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 10 minutes. One of the two landlords, landlord JH (“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 she had authority to speak on behalf of the other landlord named in this application, who is the owner of this rental unit, as an agent at this hearing (collectively “landlords”).

### Preliminary Issue – Service of Landlords’ Application

The landlord testified that the tenant was not served with the landlords’ application for dispute resolution hearing package because the landlord did not know she had to serve the tenant and she thought the Residential Tenancy Branch would do so.

As per section 59(3) of the *Act*, the landlords are required to serve their application to the tenant so that the tenant can respond and attend the hearing. I find that the tenant was not served with the landlord’s application as required by the *Act*.

At the hearing, I advised the landlord that the landlords’ application to recover the \$100.00 filing fee was dismissed without leave to reapply and the application for an order of possession for cause was dismissed with leave to reapply. I notified the landlord that she could file a new application for dispute resolution and pay a new filing fee if she wished to pursue this matter further.

Conclusion

The landlords' application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The landlords' application for an order of possession for cause 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: October 26, 2016

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Residential Tenancy Branch