



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROLEY PROPERTIES LTD. and PACIFIC EDGE PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, CNR, OLC, MNDC, O, OPR, MNR

Introduction

In the first application by filing date, the tenants apply against the respondents Ms. K.S. and P.E.P. to cancel a one month Notice to End Tenancy for cause, to cancel a ten day Notice to End Tenancy for unpaid rent, for a compliance order and for a monetary award for damages relating to the provision of a washing machine.

In the second application Ms. K.S. and B.P. Ltd. as landlords apply for an order of possession pursuant to the Notices and for a monetary award for unspecified unpaid rent.

No one representing Ms. K.S., P.E.P. or B.P. Ltd. attended for the hearing within ten minutes after its scheduled start time.

The tenant Mr. D.D. attended and was ready to proceed. In such circumstances the landlords' application is dismissed without leave to re-apply.

The tenant Mr. D.D. says the tenants vacated the rental unit at the end of October 2016. Therefore, the questions of the validity of the eviction Notices is no longer relevant. Similarly, as the tenants have left an order requiring the landlords to comply with the law or the tenancy agreement is no longer in issue.

What remains of the tenants claim is their monetary claim regarding the washing machine.

Mr. D.D. attested that the respondent landlords were served with the application and notice of hearing of the tenants' claim by registered mail. He has not filed proof of service in the form of the registered mail receipts and he was not able to provide the tracking number for that registered mail at hearing.

In these circumstances,, the tenants have failed to adequately prove service of their application sufficient to warrant proceeding with it in the landlords' absence.

The tenants' claim for a monetary order is therefore 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: November 17, 2016

Residential Tenancy Branch