



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding S and D Properties Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order.

I note the landlord had originally submitted his Application seeking an order of possession to end the tenancy early and the monetary claim through a Service BC office. When processed by the Residential Tenancy Branch it was determined the landlord's Application contained some inaccuracies and it was sent back to the Service BC office for the landlord to make some changes to the Application.

While the suggested changes included changing the landlord's request from an order of possession to end the tenancy early to an order of possession based on a 1 Month Notice to End Tenancy for Cause, the landlord removed the "ET" code for the early end but did not include the "OPC" code or any other indication that he was seeking an order of possession to end the tenancy based on a 1 Month Notice.

As a result the final Application indicated the landlord only sought a monetary order. I also note, however, despite being asked to indicate the amount of the monetary order sought this information was also not provided.

The hearing was conducted via teleconference and was attended by the landlord.

The landlord testified the tenants were served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting them to the rental unit door on December 9, 2016.

Section 89 of the *Act* states an Application for Dispute Resolution must be given in one of the following ways:

- a) By leaving a copy with the person;
- b) If the person is a landlord, by leaving a copy with an agent of the landlord;
- c) By sending a copy by registered mail to that address at which the person resides, or if the person is a landlord, to the address at which the person carries on business as a landlord;

- d) If the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant; or
- e) As ordered by the director.

As the landlord has failed to serve the notice of hearing documents in accordance with the requirements set forth in Section 89 of the Act I am not satisfied that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for compensation resulting from this tenancy, pursuant to Sections 32, 37, 67, and 72 of the *Act*.

Conclusion

Based on the landlord's failure to prove service of hearing documents I dismiss this Application for Dispute Resolution in its entirety 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: January 11, 2017

Residential Tenancy Branch