



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 7 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Preliminary Issue – Service of Landlord's Application

The landlord testified that he did not know the date when he served the tenant with the landlord's application for dispute resolution hearing package. He stated that he did not have all of his paperwork for the hearing in front of him.

As per section 59(3) of the *Act*, the landlord is required to serve his application upon the tenant within three days of filing it. During the hearing, the landlord could not provide the date of service of his application.

At the hearing, I advised the landlord that his entire application was dismissed with leave to reapply, with the exception of the filing fee. I notified him that he could file a new application and pay a new filing fee, if he wished to pursue this matter further.

### Conclusion

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

The remainder of the landlord's application 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: May 15, 2017

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Residential Tenancy Branch