



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, OPL, OPB, MNR, MNSD, FF
CNR, DRI, OLC

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning applications made by the landlord and by the tenants. The landlord has applied for an Order of Possession for unpaid rent or utilities and for landlord's use of property and for breach of an agreement; a monetary order for unpaid rent or utilities; for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenants for the cost of the application. The tenants have applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities; for an order that the landlord comply with the *Act*, regulation or tenancy agreement; and disputing a rent increase.

The landlord and the landlord's spouse attended the hearing, and the landlord gave affirmed testimony. However, the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenants joined the call. Therefore, I dismiss the tenants' application without leave to reapply.

The landlord testified that the tenants were both served with the Landlord's Application for Dispute Resolution and notice of this hearing by registered mail, both in one envelope addressed to both tenants on April 18, 2017. The *Residential Tenancy Act* requires that each tenant be served with the hearing package separately if the landlord seeks a monetary order. The landlord does seek a monetary order in this case, and has provided a Monetary Order Worksheet setting out a claim for unpaid rent and for an estimated amount for damages. No receipts for such damages have been provided for this hearing, and the landlord testified that due to the timing requirements for evidence, the receipts for repairs and expenses incurred were not yet available.

At the commencement of the hearing the landlord advised that the tenants moved out of the rental unit on or about May 16, 2017 and the landlord's application for an Order of Possession is withdrawn.

Since the landlord has not served the tenants in accordance with the *Residential Tenancy Act*, I dismiss the landlord's applications for a monetary order and for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit with leave to reapply, and I have made no findings of fact or law with respect to the merits of those matters.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety without leave to reapply.

The landlord's applications for an Order of Possession are hereby dismissed as withdrawn.

The balance of the landlord's application is hereby 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 23, 2017

Residential Tenancy Branch