



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNDC, FF; CNR

Introduction

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

- an Order of Possession for unpaid rent and utilities and for cause, pursuant to section 55;
- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- authorization to recover the filing fee for his application, pursuant to section 72.

This hearing also dealt with the tenant's cross-application pursuant to the *Act* for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. This hearing lasted approximately 33 minutes.

At the outset of the hearing, both parties confirmed that the tenant had vacated the rental unit and the landlord stated that he did not require an order of possession. I notified both parties that the tenant's application was dismissed without leave to reapply, as was the landlord's application for an order of possession for unpaid rent, utilities, and cause.

The landlord stated that he served the tenant with his application for dispute resolution hearing package and the two amendments to the application. The tenant stated that she did not receive any documents from the landlord. The landlord provided a number of different dates for service including March 6, March 8, April 4 and April 6. The

landlord did not know what dates he served which documents and did not have all of his registered mail receipts and tracking numbers in front of him during the hearing. The landlord spent approximately 25 minutes of the total 33-minute hearing time going through his documents, indicating that he had too many documents in front of him and could not locate all of the receipts.

Since the landlord was unable to provide sufficient evidence regarding service of his application and amendments to the tenant and he was unprepared to proceed with the hearing, I notified him that his application for a monetary order was dismissed with leave to reapply. I informed him that his application to recover the \$100.00 filing fee was dismissed without leave to reapply, since he was not prepared to proceed with the hearing.

Conclusion

The landlord's application for a monetary order for compensation for damage or loss under the *Act, Regulation* or tenancy agreement is dismissed with leave to reapply. The remainder of the landlord's application is dismissed without leave to reapply.

The tenant's entire application is dismissed without 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 02, 2018

Residential Tenancy Branch