



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding IMH POOL XIV LP and METCAP LIVING MANAGEMENT INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCL-S, MNDL-S, MNRL-S, FFL

### Introduction

This hearing dealt with the Landlords' Application filed under the *Residential Tenancy Act*, (the "*Act*"), for a monetary order for unpaid rent, for a monetary order for damages or compensation under the *Act*, for a monetary order for damages and to recover the cost of the filing fee for this application. The matter was set for a conference call.

The Landlord and the Property Manager (the "Landlord") attended the hearing, and each were affirmed to be truthful in their testimony. As the Tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the *Act* and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord testified the Application for Dispute Resolution, and Notice of Hearing had been sent to the Tenant by registered mail on July 28, 2018, two Canada post tracking numbers were provided as evidence of service. Section 90 of the *Act* determines that a document served in this manner is deemed to have been received five days later. I find that the Tenants had been duly served in accordance with the *Act*.

The Landlord was provided with the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Preliminary Matter

At the outset of the hearing, it was noted the Residential Tenancy Branch had not received any evidence in support of the Landlord's application.

The Landlord testified that she had sent in the evidence pay regular post back in July 2018. The Landlord was not able to provide proof of service of her evidence package to this office during the hearing.

I find that it is appropriate to dismiss the Landlord's application with leave to reapply.

### Conclusion

I dismiss the Landlord's application 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: November 27, 2018

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Residential Tenancy Branch