



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Preliminary matters

A previous hearing was held on April 11, 2019 to hear an application made by the Tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. That hearing found that the Tenant had unpaid rent and the Tenant's application was dismissed. The Landlord was granted an Order of Possession. Consequently this hearing is convened to hear the Landlord's monetary claims only.

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, to retain the Tenant's security deposit and to recover the filing fee for this proceeding.

The Landlord said he did not served the Tenant with the Application and Notice of Hearing (the "hearing package") because he did not realize that he had to do that. Consequently, the Tenant was not served any documents and had no knowledge of the Landlord's application or that a hearing was being held today.

Analysis

Based on the evidence of the Landlord, I find that the Tenant was not served with the Landlord's hearing package as required by s. 89 of the Act. Service of the Hearing Package is to be within 3 days of filing an application and in this situation the Hearing package was not service to the Tenant at all. Consequently, I dismiss the Landlord's application due to lack of service of the Application and Notice of Hearing (the "Hearing package").

Conclusion

The Landlord's application is dismissed due to lack of service.

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: April 30, 2019

Residential Tenancy Branch