



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL-S, OPU, FFL

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "*Act*") made on February 23, 2021. The Landlord applied for an order of possession to enforce a 10-Day Notice for unpaid utilities, for a monetary order for unpaid rent, permission to retain the security deposit and to recover the filing fee paid for the application. The matter was set for a conference call.

One of the Landlords attended the hearing was affirmed to be truthful in their testimony. As the Tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord testified that the Application for Dispute Resolution, and Notice of Hearing document had not been to the Tenants. As the Notice of Hearing documents have not been served, I dismiss the Landlords' application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

### Conclusion

I dismiss the Landlords' 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: May 31, 2021

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Residential Tenancy Branch