



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning an application made by the landlords seeking an Order of Possession due to a mutual agreement to end the tenancy; a monetary order for unpaid rent or utilities; a monetary order for damage to the rental unit or property; a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; an order permitting the landlords to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of the application.

One of the landlords attended the hearing and represented the other named landlord. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any submissions from the landlord, and no one for the tenant joined the call.

The landlord testified that the Application for Dispute Resolution and notice of this hearing, along with evidentiary material (the Hearing Package) was personally served on the tenant at the rental unit, but the landlord does not recall when.

The *Residential Tenancy Act* requires an applicant to serve a respondent with the Hearing Package within 3 days of making the Application for Dispute Resolution. I also refer to the Residential Tenancy Branch Rules of Procedure:

3.5 Proof of service required at the dispute resolution hearing

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute

Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

Since the landlord is not able to demonstrate when the tenant was served, or that the tenant was served within 3 days of making the application, I dismiss the landlords' application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the landlords' 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: August 16, 2021

Residential Tenancy Branch