



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

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

### Introduction

This hearing was scheduled to convene at 1:30 p.m. on November 22, 2021 concerning an amended application made by the landlord seeking the following relief:

- 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 landlord to keep all or part of the pet damage deposit or security deposit; and
- to recover the filing fee from the tenants for the cost of the application.

The landlord attended the hearing, gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for in excess of 10 minutes prior to hearing any testimony, and no one for the tenants joined the call.

The landlord testified that the tenants were served with the application and notice of this hearing by registered mail on June 14, 2021 as well as by hand around the same date, and has provided a Canada Post cash register receipt bearing that date as well as 2 Registered Domestic Customer Receipts. The *Residential Tenancy Act* specifies that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it.

During the course of the hearing the landlord advised that the landlord was successful in obtaining an Order of Possession on November 18, 2021. The landlord has served the Order of Possession but the remaining tenant has not yet vacated the rental unit.

The landlord has also been successful in obtaining a monetary order for unpaid rent for the months of January, February, March, September and October, 2020, but claims further arrears of rent.

Since the landlord has not served the Hearing Package within 3 days of making the application, I dismiss the landlord's application with leave to reapply.

### Conclusion

For the reasons set out above, the landlord's application is hereby dismissed in its entirety 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 29, 2021

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Residential Tenancy Branch