



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the landlords application for an Order of Possession for unpaid rent or utilities; for a Monetary Order for unpaid rent or utilities; for an Order permitting the landlord to keep all or part of the tenants security deposit; and to recover the filing fee from the tenants for the cost of this application.

One of the tenants and one of the landlords attended the conference call hearing. The landlord provided limited evidence to the Residential Tenancy Office and to the other party in advance of this hearing.

I have reviewed the documentation provided by the landlords for this application. As part of the application the landlords are required to provide a copy of the 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities in order for me to determine that a legal notice has been served upon the tenants. In this case as the landlords have not provided a copy of the Notice and I have no evidence before me that the tenants were served with a legal and enforceable 10 Day Notice to End Tenancy. As a result I find that the landlords' application must be dismissed with leave to re-apply.

Conclusion

The landlord's application is 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: April 08, 2013

Residential Tenancy Branch