Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR OPB MND MNR MNDC FF

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*"), seeking an order of possession for unpaid rent or utilities and for tenant breaching an agreement with the landlord, for a monetary order for damage to the unit, site or property, for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The landlords, and a witness for the landlords attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") was considered. Landlord SB testified that he served the Notice of Hearing on the tenant on July 23, 2013, which was witnessed by his friend, MH. MH was called as a witness. Witness MH, testified that SB served the tenant on July 29, 2013.

Both the tenant and the landlords have a right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of Hearing. As the tenant was not present at the hearing, and witness MH contradicted the testimony of landlord SB, I am not satisfied that the tenant was served with the Notice of Hearing. Therefore, **I dismiss** the landlords' application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act.*

Conclusion

The landlords' application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act.*

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 26, 2013

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Residential Tenancy Branch