



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL VILLA ENT. LTD and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes

For the landlord: OPRM-DR, FFL
For the tenant: MNDCT, FFT

Introduction and Preliminary Matters

This hearing was convened as a result of an Application for Dispute Resolution (“application”) by both the parties seeking remedy under the *Residential Tenancy Act* (“Act”). The landlord applied for a monetary order of \$1,260.00 for unpaid rent or utilities, and to recover the cost of the filing fee. The tenant applied for a monetary order in the amount of \$15,120.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The landlord and the tenant attended the teleconference hearing. The hearing process was explained to the parties and an opportunity to ask questions was provided to both parties. The parties were also affirmed at the outset of the hearing.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure (“Rules”) authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant’s application related to monetary compensation, whereas the landlord’s application related to an order of possession and unpaid rent. I find that the tenant’s application is not sufficiently related to an order of possession, which is the reason the hearing was scheduled on an expedited basis, to be determined during this proceeding. I will, therefore, only consider the landlord’s application for an order of possession, unpaid rent and the filing fee at this proceeding. The tenant’s application is dismissed, with leave to re-apply. I also note the tenant incorrectly named the landlord and instead, named a landlord agent. The tenant is reminded to name the landlord as listed on the tenancy agreement for any future application.

Regarding service of the landlord's application, the tenant testified that he was not served with the landlord's application. The landlord testified that he served the tenant with the application, Notice of Dispute Resolution Hearing ("Notice of Hearing") and documentary evidence on December 25, 2018, which I find is impossible as the landlord did not file their application until January 4, 2019. Therefore, on the balance of probabilities, I prefer the testimony of the tenant over that of the landlord. I accept the tenant's version of events that the tenant was not served with the landlord's application, Notice of Hearing and documentary evidence. As a result, **I dismiss** the landlord's application **with leave to reapply**, due to a service issue. The landlord is at liberty to reapply but is reminded to serve the tenants in accordance with the Rules of Procedure and Residential Tenancy Branch Policy Guideline 12 – Service Provisions.

Given the above, I do not grant the recovery of the filing fee for either party.

Conclusion

The tenant's application has been severed under Rule 2.3 of the Rules as indicated above. The tenant has liberty to reapply. This decision does not extend any applicable timelines under the *Act*.

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

The filing fees are not granted.

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: April 17, 2019

Residential Tenancy Branch