



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order for compensation for unpaid rent, and recovery of the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the *Act*

Background and Evidence

Pursuant to a residential tenancy agreement the term of tenancy is from July 3, 2008 to July 2, 2009. Rent in the amount of \$2,000.00 is payable in advance on the third day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$1,000.00. The tenant failed to pay rent for the month of October. The landlord served the tenant with a 10 day notice to end tenancy dated November 7, 2008, which was delivered in person to an adult in the unit with the tenant on that same day. The landlord submitted a copy of the 10 day notice into evidence. The tenant further failed to pay rent for the months of November and December 2008.

The landlord was unable to confirm that he provided the tenant with a copy of the application for dispute resolution. Further, the landlord stated that he sent a copy of the notice of hearing to the tenant by way of an attachment to e-mail.

Analysis

Based on the landlord's testimony, I find that the landlord did not serve the tenant with all documents required to be served and in the manner prescribed by sections 88 & 89 of the *Act*, and by Rule # 3 of the Residential Tenancy Branch Rules of Procedure.

Conclusion

I hereby dismiss the landlord's application with leave to reapply.

DATE: December 10, 2008

Dispute Resolution Officer