



Dispute Resolution Services

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

Decision

Dispute Codes: MNR, MNSD, FF

Background & Evidence

This hearing dealt with the landlord's application for a monetary order for unpaid rent, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. The landlord's agent stated that as the tenants have vacated the unit, an order of possession is no longer sought.

Further, however, as the whereabouts of the tenants is unknown, the landlord was unable to serve them with the application for dispute resolution and notice of hearing.

Analysis

Sections 88 and 89 of the *Act* speak, respectively, to **How to give or serve documents generally** and **Special rules for certain documents**. Based on the testimony of the landlord's agent, I have determined that the application for dispute resolution and notice of hearing were not served in any manner required by the legislation. Accordingly, the landlord's application must be dismissed.

Conclusion

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

DATE: January 21, 2009

Dispute Resolution Officer