

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

Both parties gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

This is the Landlord’s application for an Order of Possession and a Monetary Order for unpaid rent, to keep all of the security deposit, and recover the filing fee from the Tenants.

- (1) Is the Landlord entitled to an Order of Possession?
- (2) Is the Landlord entitled to a monetary order?
- (3) Is the Landlord entitled to keep all of the security deposit?

Preliminary Matter

At the onset of the Hearing, the Tenant testified that he was not served with a Notice to End Tenancy.

The Landlord’s agent testified that the Tenant was served. The Landlord’s agent was not the person who served the Tenant. The Landlord did not provide evidence that the

Tenant was served with the Notice to End Tenancy. There is no copy of the Notice to End Tenancy on the case file.

The Landlord's agent stated that she was leaving the conference in order to contact the person who served the Tenant, and to have him call in and give evidence at the Hearing. The Landlord's agent left the conference at 10:33. By 10:43, neither the Landlord's agent nor the person who served the Tenant had signed into the conference.

Conclusion

The Landlord's application is dismissed without leave to re-apply.

April 20, 2009
