



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, OPR, MNR, MNSD, FF

This hearing was scheduled for 9:00 a.m. on this date to deal with cross applications. The tenants had applied to dispute a Notice to End Tenancy for Unpaid Rent dated February 27, 2009. The landlord had applied for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent and retention of the security deposit. Both parties applied to recover the filing fee from the other party.

The tenant appeared at the hearing prepared to dispute the landlord's claims that the tenant had not paid rent for February 2009, as indicated on the tenant's application, as well as the landlord's application to recover unpaid rent for March and April 2009. The landlord did not appear at the hearing. The tenant testified that the landlord was served with notification of the tenant's application by registered mail; however, the tenant could not provide the registered mail tracking number and did not have a receipt to prove service. The tenant confirmed that he had been served with the Landlord's Application for Dispute Resolution.

As I did not have sufficient evidence of proof of service upon the landlord, I dismiss the tenant's application. As the tenant was requesting cancellation of a Notice to End Tenancy and the tenant testified that they have vacated the rental unit, I do not grant leave to reapply.

With respect to the landlord's application, as the landlord did not appear at the hearing by 9:11 a.m. yet the tenant did appear and was prepared to proceed, I dismissed the landlord's claims for unpaid rent for March and April 2009 without leave to reapply.

As both applications were dismissed, I make no award for recovery of the filing fee.

This decision 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 24, 2009.

Dispute Resolution Officer