



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and utilities as well as to recover the filing fee for this proceeding. The Landlord also applied to keep the Tenant's security deposit.

The Landlord served the Tenant with a copy of the Application and Notice of Hearing by registered mail on June 18, 2009. According to the Canada Post online tracking system, a notification card was left for the Tenant on June 19, 2009 but he did not pick up the hearing package. The Landlord said the Tenant moved out on June 18, 2009 and he did not know if the Tenant had his mail forwarded.

In the circumstances, I am not satisfied that the Tenant was properly served with the hearing package and the Landlord's application is dismissed with leave to reapply within the applicable limitation period provided for under the Act.

Conclusion

The Landlord's application is dismissed with leave to reapply. 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: July 27, 2009.

Dispute Resolution Officer