



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for a loss of rental income and to recover the filing fee for this proceeding. The Landlord also applied to keep the Tenants' security deposit.

The Landlord said she served the Tenants with the Application and Notice of Hearing on August 21, 2009 by registered mail. According to the Canada Post online tracking system, the hearing package was returned to the Landlord because the address was incomplete.

In the circumstances, I find that the Landlord has not shown that the Tenants were served with the hearing package as required by s. 89 of the Act and as a result, her application is dismissed with leave to reapply.

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: October 09, 2009.

Dispute Resolution Officer