



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to each Tenant via registered mail at the rental unit on July 18, 2009. The Agent for the Landlord stated that the Tenants vacated the rental unit on July 01, 2009.

Section 89 (1) of the Act stipulates that an Application for Dispute Resolution must be given by leaving a copy with the person; if the person is a landlord, by leaving a copy with an agent of the landlord; by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord; if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant; or as ordered by the director under section 71 (1) of the Act.

Section 89(2) of the Act stipulates that an Application for Dispute Resolution that relates to an application by a landlord under section 55 [*order of possession for the landlord*] , 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant by leaving a copy with the tenant; by sending a copy by registered mail to the address at which the tenant resides; by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant; by attaching a copy to a door or other conspicuous place at the address at which the tenant resides; or as ordered by the director under section 71(1) of the Act.

The evidence shows that the Landlord did not serve either Tenant with copies of the Application for Dispute Resolution and Notice of Hearing in accordance with section 89 of the Act. As the Tenants were not served in accordance with the Act, and neither Tenant was in attendance at the hearing, I find that I can not proceed in the absence of the Tenant. On this basis, I dismiss the Landlord's Application for Dispute Resolution, with leave to reapply.

Dated: November 02, 2009.

Dispute Resolution Officer



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