# DECISION

Dispute Codes        OPR MNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, and to recover the cost of the filing fee from the Tenant for this application.

Preliminary Issues

The Landlord testified that the Tenant abandoned the rental unit sometime before September 11, 2009. The Landlord argued that when a 10 Day Notice to End Tenancy was not removed from the Tenant's door the Landlord posted a twenty four hour notice to enter and when the Landlord entered the Tenant's rental unit on September 11, 2009 they found the unit vacant.

The Landlord testified that the Tenant did not provide the Landlord with a forwarding address and the Landlord has not been able to serve the Tenant with notice of the Landlord's application for dispute resolution.

Analysis

The Landlord withdrew his application for an Order of Possession as the Tenant abandoned the rental unit.

The Landlord provided testimony which confirmed that the Notice of Dispute Resolution was not served to the respondent Tenant, as required under section 89 of the *Residential Tenancy Act* (Act).

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As the Landlord testified that the Tenant was not

served the notice of dispute resolution documents, I dismiss the Landlord's claim, with leave to reapply.

As the Landlord was not successful with his application I find that he is not entitled to recover the cost of the filing fee from the Tenant.

Conclusion

**I HEREBY DISMISS** the Landlord's claim, 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: November 02, 2009.

_____
Dispute Resolution Officer