



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution requesting an order of possession and a monetary for unpaid rent.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Preliminary Issue

The landlord indicated at the start of the hearing that he served the tenant Notice of this hearing via registered mail, however, the landlord could not provide confirmation during the hearing. The landlord testified he had submitted copy of the receipt to the Residential Tenancy Branch prior to the hearing.

A search was completed at Residential Tenancy Branch and no documents were found. The landlord was provided an opportunity to provide a second copy to the Branch. No copy was ever submitted to the Branch. As such, I find the landlord has not provided proof of service of the Notice of Hearing.

Conclusion

Based on the above finding, I dismiss the landlord's application in its entirety, without 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: December 17, 2009.

Dispute Resolution Officer