

DECISION

Dispute Codes: MNDC, MNSD and FF

Introduction

This application was brought by the landlord seeking a Monetary Order for unpaid rent and loss of rent, loss or damages under the legislation or rental agreement, damage to the rental unit and recovery of the filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

At the commencement of the hearing, the tenant's advocate advised that the tenant had never been served with the Notice of Hearing or any of the landlord's evidence, and only learned of the hearing when she contacted the Residential Tenancy Branch to make enquiries concerning her security deposit.

In addition, while the Dispute Resolution Officer had the landlord's on-line application, there was no evidence on the file except that provided by the tenant or her advocate.

The landlord stated that he had not received the tenant's evidence. The tenant's advocate gave evidence that she had sent it by courier to the landlord at the address given on his application at the same time as she had sent it to the branch and could provide documentary proof of service.

I accept the evidence of the tenant that she had not been served with the Notice of Hearing or with the landlord's evidence.

Therefore, the application is dismissed with leave to reapply.

February 19, 2010