

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

The matter was set for a hearing to hear the landlords' application for an Order of Possession, a Monetary Order for unpaid rent and to recover the filing fee paid for this application. At the outset of the hearing the landlord stated that the tenant has moved from the rental unit and she withdrew her application for an Order of Possession.

The landlord appeared at the conference call however the tenant did not appear and the landlord has not provide any evidence that the tenant had been properly served with a Notice of the hearing in accordance with section 89 of the *Act*. The landlord has not provided any evidence to support any aspect of her claim.

As I am unable to determine if the tenant was properly served pursuant to s. 89 of the Act and have no evidence to consider the landlords request for a Monetary Order, no hearing took place and the landlords' 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: April 30, 2010.

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Dispute Resolution Officer