

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This is the Landlord's application for a Monetary Order for damages to the rental unit, and for compensation for damage or loss; and to recover the cost of the filing fee from the Tenant.

The Landlord signed into the teleconference and provided affirmed testimony.

Preliminary Matters

The Landlord testified that he mailed the Notice of Hearing documents, via registered mail, to the Tenant at the rental unit, but they were returned to the Landlord, unclaimed. The Landlord testified that the Tenant had moved out of the rental unit. The Landlord was not certain of the date he had mailed the documents. The Landlord then testified that about a week after she moved out of the rental unit, he served the Tenant in person at her address of business. He was not certain of the date, but believed it was on or about January 8, 2010. The Landlord did not have a witness to the service.

I reminded the Landlord that his Application for Dispute Resolution was filed on January 14, 2010, and therefore it would not have been possible to serve the Tenant with the Notice of Hearing documents before that date. The Landlord became argumentative and then stated that the Tenant had moved to Mexico, or words to that effect.

When I explained that he had not proven service of the Notice of Hearing documents, he uttered a profanity and hung up.

Conclusion

The Landlord's application is dismissed.

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: June 28, 2010.
