

DECISION

Dispute Codes

MNDC, O

Introduction

This hearing was convened in response to an application by the landlord for a Monetary Order for unpaid rent. The landlord also stated that they desired for the tenant to vacate – but have not applied for such. The tenant did not attend the conference call hearing.

The landlord had served the tenant with Notice of Dispute Resolution by sliding the Notice under the tenant's door on June 11, 2010, and since has not had any communication with the tenant.

Issue(s) to be Decided

Has the tenant been properly served with Notice of these proceedings?

Background and Evidence

The landlord has not submitted any document evidence to this matter. The landlord testified that the tenant provided an e-mail on April 30, 2010 purporting to vacate on May 31, 2010, but has not. The tenant also has not paid the rent for June or July 2010. The landlord did not serve the tenant with Notice for Unpaid Rent.

Analysis

The landlord did not follow the instructions provided for proper service of the Notice of Dispute Resolution Hearing, and considered sliding it under the tenant's door as sufficient. I refer to Section 89(1) which states:

89 (1) An application for Dispute Resolution ...**must** be given in one of the following ways:

(a) by leaving a copy with the person;

(b) if the person is a landlord, by leaving a copy with an agent of the landlord;

(c) **by sending a copy by registered mail to the address at which the person resides** or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d) **if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;**

(e) as ordered by a Dispute Resolution Officer under section 71 (1)

As a result, I am not satisfied that the tenant is aware of this application or the Hearing. The rules of Natural Justice provide all persons with the right to be heard and the right to an unbiased tribunal.

I find that there is insufficient evidence to prove proper service of the documents for the Hearing.

Conclusion

This application **is dismissed** with leave to re-apply.

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*.