DECISION

<u>Dispute Codes</u>   OPR MNR FF

<u>Introduction</u>

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, and to recover the cost of the filing fee from the Tenant for this application.

<u>Issues(s) to be Decided</u>

Is the Landlord entitled to an Order of Possession for unpaid rent under section 55 of the *Residential Tenancy Act*?

Is the Landlord entitled to a Monetary Order for unpaid rent under section 67 of the *Residential Tenancy Act*?

<u>Background and Evidence</u>

The Landlord appeared and testified the Tenant was served with notice of today's hearing via registered mail. The Landlord could not provide the date or the tracking number for the registered mail delivery.

The Landlord could not provide sufficient testimony about when payments of rent were made by the Tenant or how the accumulated total for unpaid rent was calculated nor did the Landlord provide written evidence such as a tenant ledger.

<u>Analysis</u>

As the Landlord was not able to provide the date or tracking number of when the registered mail package was sent to the Tenant I cannot determine if service of the

Notices of Dispute Resolution were effected in accordance with Section 89 of the *Residential Tenancy Act*

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I cannot find that the service of documents has been effected in accordance with the *Act*, I dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with his application, I find that he is not entitled to recover the cost of the filing fee from the Tenant.

Conclusion

I HEREBY DISMISS the Landlord's claim, 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: July 09, 2010.

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Dispute Resolution Officer