

## **DECISION**

Dispute Codes      OPR MNR FF ET

### Introduction

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

### Issues(s) to be Decided

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 under sections 67, and 72 of the *Residential Tenancy Act*?

### Background and Evidence

The Landlord appeared and could not provide testimony pertaining to how the Notice of Dispute Resolution documents were served to the Tenant.

### Analysis

There is no evidence or testimony before me which pertains to how the Notice of Dispute Resolution documents were served to the Tenant. Therefore, I cannot determine if the documents were served in accordance with Section 89 of the *Residential Tenancy Act*.

To find in favour of an application for an Order of Possession and a Monetary Order, 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 determine if

service of the hearing documents have been effected in accordance with the *Act*, I hereby dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with his application, I decline to award recovery of the filing fee.

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: August 23, 2010.

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Dispute Resolution Officer