



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenant did not attend.

The landlord's agent testified that the notice of hearing documents were served to the tenant by providing them by facsimile and by regular mail both to the tenant's workplace. Section 89 of the *Residential Tenancy Act (Act)* requires these documents to be served in any one of the following ways:

1. By leaving a copy with the tenant;
2. By sending a copy via registered mail to the address at which the person resides;
or
3. By sending a copy via registered mail to a forwarding address provided by the tenant.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent and damages; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 46, 55, 67, and 72 of the *Act*.

Analysis

Based on the landlord's agent's testimony I find the tenant has not been served with notice of this hearing in accordance with the *Act*.

Conclusion

Based on the above, I dismiss the landlord's application 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: September 21, 2010.

Dispute Resolution Officer