



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for an Order of Possession for unpaid rent, A Monetary Order to recover unpaid rent an Order to keep the tenants security deposit and to recover the filing fee paid for this application.

The landlord attending testifies she served the tenant by registered mail with a copy of the Application and Notice of Hearing. The tenant did not attend the conference call and the landlord was unable to provide any evidence to prove service of the hearing documents on the tenant. The landlord states the tenant has now moved from the rental unit.

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. In the absence of documentary evidence that the tenant was served with the hearing documents in accordance with section 89 of the *Act*, 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: November 22, 2010.

Dispute Resolution Officer