



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNSD MNDC MND FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order to keep the security and or pet deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for damage to the unit, site or property, and to recover the cost of the filing fee from the Tenant for this application.

### Issues(s) to be Decided

1. Has the Tenant breached the Act, regulation or tenancy agreement?
2. If so, has the Landlord proven entitlement to a Monetary Order?

### Background and Evidence

The Landlord testified that he served the Tenant with the hearing documents via registered mail however he was not able to provide testimony of the date the documents were served nor was he able to provide the Canada Post tracking number. I allowed the Landlord ten minutes to search for his Canada Post receipts and he was not able to locate them in that time frame.

### Analysis

To find in favour of an application for a monetary claim, 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. The Landlord was not able to provide testimony

of when the Tenant was served nor was he able to provide the tracking information as proof that the documents were served in accordance with the Act. Therefore, in the absence of the Tenant, I find the service of documents not to have been effected in accordance with the *Act*, and 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: December 08, 2010.

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Dispute Resolution Officer