

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This was an application by the landlord for an order of possession and a monetary order. The hearing was conducted by conference call. The landlord did not attend. He was represented by Ms. T.D. who I told me that she was speaking on behalf of Mr. K.S. who is acting for the landlord pursuant to a power of attorney. The tenant did not call into the hearing and did not participate.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord did not submit any documents in support of his application. I was not provided with a copy of a Notice to End Tenancy. The landlord's representative said that a Notice to End Tenancy was taped to the door of the rental unit. She said the landlord had pictures taken to show that the Notice to End Tenancy was served by posting to the door, however no such evidence was placed on the Residential Tenancy file. The landlord's representative testified that the application for dispute resolution was served on the tenant by leaving a copy by the door to the rental unit where the tenant's mail is kept.

Analysis and Conclusion

The landlord has not submitted a copy of a Notice to End Tenancy. This is an essential document on an application for an order for possession. The landlord has not submitted evidence to show that the tenant was served with a Notice to End Tenancy in the approved form and the landlord has not served the application for dispute resolution in the manner required by section 89 of the *Residential Tenancy Act*. This section requires that a tenant must be served with an application seeking a monetary order by personally serving the tenant or by sending a copy to him by registered mail.

In the absence of evidence to prove entitlement to the relief claimed and in the absence of proof of service of this application, the application for dispute resolution is dismissed with leave to reapply

Dated: February 25, 2011.
