



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

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

The landlord states he served the tenant by registered mail on or about October 15, 2010 with a copy of the Application and Notice of Hearing. The tenant did not attend the conference call and the landlord did not provide any evidence to prove service of the hearing documents on the tenant. The landlord has not provided any other evidence to support his claim.

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 proof that the tenant was serviced with the hearing documents in accordance with the 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: February 16, 2011.

Residential Tenancy Branch