



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent / loss of revenue - Section 67;
3. An Order to retain the security / pet deposit - Section 38
4. An Order to recover the filing fee for this application - Section 72.

The Landlord appeared at the Hearing. The Tenant did not appear at the Hearing and did not file an application for dispute resolution. The Landlord’s application indicates that a Notice to End Tenancy for failure to pay rent was served to the Tenant on March 1, 2011 however no copy was provided to the Residential Tenancy Branch. The file materials indicate that the Tenant was expected by the Landlord to move out of the unit by March 10, 2011. The Landlord states that the Application and Notice of Hearing was posted on the unit door on March 14, 2011. Given the Landlord’s expectation that the Tenant would no longer be living at the unit and as the Landlord could not confirm at the Hearing that the Tenant was in fact still at the unit, I cannot find that service of documents is effective in accordance with Section 89 of the Act. I therefore dismiss the Landlord’s application with leave to reapply.

Conclusion

The landlord’s application is dismissed 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: March 31, 2011.

Residential Tenancy Branch