



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, 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. A Monetary Order for damage to the unit, site or property – Section 67;
2. An Order to retain the security / pet deposit - Section 38
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not appear at the Hearing. The Landlord did not appear at the Hearing and was represented by an Agent. The Agent states that the Landlord served the application of dispute resolution by mail but the mail was not picked up by the Tenant. The Landlord did not provide an affidavit of service.

Rule 3.3 of the Rules of Procedure provide that if a respondent does not attend the hearing, the person who served the documents must either attend the hearing as a witness, or if unavailable, may submit as evidence a sworn affidavit of service setting out how service was accomplished. In this case the respondent is the Tenant who did not appear at the Hearing. As the Landlord carried out service of the application, was not present at the Hearing, and did not submit evidence of service of the application in the form of an affidavit, the application is dismissed with leave to re-apply.

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: April 18, 2011.

Residential Tenancy Branch