



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes** MNR, FF

### **Introduction**

This hearing was convened by way of conference call to deal with the landlord's application for a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of this application.

An agent for the landlord company attended the conference call hearing and gave affirmed testimony. The landlord's agent testified that the tenant was served with the Landlord Application for Dispute Resolution and notice of hearing documents by regular mail and also by registered mail but does not know when. The tenant did not attend the hearing.

### **Issue(s) to be Decided**

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

### **Background and Evidence**

The landlord's agent testified that this fixed term tenancy began on December 1, 2009 and ended on November 30, 2010 at which time the tenant vacated the rental unit. Rent in the amount of \$1,650.00 per month was payable in advance on the 1<sup>st</sup> day of each month. On November 30, 2009 the landlord collected a security deposit from the tenant in the amount of \$825.00.

The landlord's agent further testified that the tenant was always late paying the rent, but gave proper notice to vacate the rental unit. The unit was left in good condition, however the tenant did not leave a forwarding address to the landlord, and the tenant's cell phone number is no longer in service. The tenant did not pay the last month's rent.

The landlord claims rent in the amount of \$1,650.00 for the month of November, 2010.

### **Analysis**

The *Residential Tenancy Act* states that a person who makes an application for dispute resolution must serve a copy of the application to the other party within 3 days of making it. The landlord's agent was unable to provide any evidence with respect to the date the tenant was served by registered mail. Therefore, I cannot be satisfied that the landlord has complied with the *Act*.

### **Conclusion**

For the reasons set out above, the landlord's application is hereby dismissed without 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: July 7, 2011.

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Residential Tenancy Branch