

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a monetary order request for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave affirmed testimony. The Tenant did not attend.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

At the outset of the hearing, the Landlord stated the notice of hearing documents were served on June 20, 2011 by posting them on the door of the rental unit. The Landlord did not provide any proof of service.

Analysis

Rule 3.3 of the Residential Tenancy Branch Rules of Procedure states, "if the respondent does not attend the dispute resolution proceeding, the applicant must prove to the Dispute Resolution Officer that each respondent was served as required under the Act."

I find that the Landlord has failed to provide any evidence to prove that the Tenant was properly served with the notice of hearing documents. The Tenant did not attend and as such, the Landlord's application is dismissed with leave to re-apply.

Conclusion

The Landlord's 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: July 12, 2011.

Residential Tenancy Branch