

DECISION

Dispute Codes OPC, MNSD, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession resulting from a 1 month notice to end tenancy for cause, a monetary order request 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. The Tenant did not attend.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to keep all or part of the security deposit?

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord states that the notice of hearing documents was served on the Tenant in person on June 28, 2011 by him with a witness. The Landlord was unable to provide the witness to support this claim. No name was provided for this witness.

The Landlord states that he is unsure of the service date, but thinks that he served the Tenant with the 1 month notice to end tenancy for cause in person on May 28 or 29th. The notice displays May 1, 2011 as dated being completed with a move out date of June 30, 2011. The Landlord states that the service was witnessed by the same person who was present for the notice of hearing documents.

The Landlord in direct testimony stated that he was seeking \$450.00 in unpaid rent for July. The Landlord has provided no evidence of unpaid rent.

Analysis

I find that through the Landlord's conflicted direct testimony that I am not satisfied that the Tenant was properly served with the notice of hearing and 1 month notice to end tenancy for cause documents.

The Landlord has failed to provide any evidence of unpaid rent.

Based upon a balance of probabilities, I am not satisfied that the Landlord has a claim for an order of possession or a monetary order. I dismiss the Landlord's claim with leave to reapply.

Conclusion

The Landlord's applications are 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: July 25, 2011.

Residential Tenancy Branch