



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. An agent for the landlord and one tenant participated in the teleconference hearing.

Preliminary issue – service of notice and application

The landlord stated that the notice to end tenancy was posted on the tenants' door on July 15, 2011. The tenant stated that he did not receive the notice. Furthermore, the tenant only received notice of the hearing, but not the landlord's application or any other evidence. The landlord's agent did not prepare or mail out the tenant's hearing package, and he was unable to call as a witness the person who did so.

I therefore found that the landlord did not provide sufficient evidence that the tenants were served with the notice to end tenancy or the landlord's application. Accordingly, I dismissed the landlord's application 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: September 14, 2011.

Residential Tenancy Branch