

DECISION

Dispute Codes: MND; MNSD, MNDC, FF

Introduction

This is the Landlord's application for a Monetary Order for damages and compensation for damage or loss under the Act, regulation or tenancy agreement; to apply the security deposit towards its monetary award.; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord's agent testified that the Landlord normally serves documents by registered mail, but he did not have confirmation that the documents were mailed. He took an opportunity to search for confirmation and discovered that the documents were couriered to the Tenant because there was a Canada Post strike at the time the Application was filed. The Landlord's agent stated that he had no proof that the couriered documents were delivered to the Tenant.

The Landlord did not provide proof that the Tenant received the Notice of Hearing documents and the Tenant did not sign into the conference. Therefore, I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application is 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: September 16, 2011.

Residential Tenancy Branch