



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 was scheduled to hear the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenant did not appear at the hearing.

The person representing the landlord stated that the tenant has vacated the rental unit but that the tenant was notified of this hearing by personal service. The person appearing on behalf of the landlord did not know where or when service occurred. I heard the person that actually served the tenant was not available to testify. Nor did the landlord provide documentary proof of service prior to the hearing.

Where a respondent does not appear at the hearing, the applicant bears the burden to show the respondent was served in a manner that complies with the Act. I determined that the landlord had not met this burden of proof with respect to service of the hearing package and I dismissed the 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: October 06, 2011.

Residential Tenancy Branch