



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB, MNDC, FF, O

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession because the tenant breached an agreement with the landlord; a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement, and to recover the cost of the filing fee for this application from the tenant.

The landlords' agent stated that the landlord is unable to attend the hearing and the landlord's agent was not provided with any information as to how the landlord served the tenant with the landlord's application, notice of hearing or evidence package. As the tenant did not attend the hearing I can not confirm that the tenant was served according to section 89 of the *Act*.

### Conclusion

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the tenant was served with the hearing documents in accordance with the *Act*, I dismiss 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: December 15, 2011.

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Residential Tenancy Branch