



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for Unpaid rent – Section 67;
3. An Order to retain all or part of the security deposit – Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the Hearing and the Landlord stated that the manager served the Notice to End Tenancy and the application and notice of hearing but was not able to attend the Hearing due to being on vacation. It is noted that no affidavits for service were filed as evidence by the Landlord. It is also noted that a tenancy agreement was filed as evidence but this agreement does not name the Tenants as contained in the application.

Section 3.3 of the Rules of Procedure requires that where a respondent does not attend a hearing, the person who served the applicant’s documents as required under the Act, must either attend the hearing to give evidence of the service or, if that person is unavailable for attendance at the hearing, may submit an affidavit of service as evidence. As the Landlord was unable to provide evidence of service, I cannot find that service has been accomplished in accordance with Section 89 of the Act and I therefore dismiss 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: January 16, 2012.

---

Residential Tenancy Branch