



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for compensation for a loss of rental income, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord's agent said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by posting them to the rental unit door on June 23, 2012. The Landlord said the documents were not removed from the door and on June 25, 2012 he discovered that the Tenant had already vacated the rental unit. Section 89(1) of the Act says that an application for a Monetary Order must be served on a Tenant either in person or by registered mail. I find that the Tenant was not served with the Landlord's hearing package as required by s. 89(1) of the Act.

### Conclusion

The Landlord's application for unpaid rent, for compensation for a loss of rental income and to keep the Tenant's security deposit is dismissed with leave to reapply. The Landlord's application for an Order of Possession and to recover the filing fee for this proceeding is dismissed without 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: July 11, 2012.

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Residential Tenancy Branch