



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, MND, FF

Introduction

This is the Landlord's application for a Monetary Order for damages to the rental unit; 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 he mailed the Notice of Hearing documents, by registered mail, to the Tenant at the rental unit on June 28, 2012. He stated that the Tenant and other occupants lived in the rental unit, but that the Tenant moved out of the rental unit before June 28, 2012.

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. The Tenant did not reside at the rental unit on June 28, 2012, and therefore the Landlord has not provided proof that the Tenant was served with the Notice of Hearing documents. 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 10, 2012.

Residential Tenancy Branch