



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, FF

Introduction

This hearing was convened to hear the landlord's application for a Monetary Order for damage to the unit site or property and to recover the filing fee from the tenant for the cost of this application.

The landlord's agent states the tenant was served by registered mail with a copy of the Application and Notice of Hearing. The tenant did not attend the conference call and the landlord's agent was unable to provide any evidence to prove service of the hearing documents on the tenant.

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 section 89 of 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: October 29, 2012.

Residential Tenancy Branch