



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession, a Monetary Order for unpaid rent, an Order to keep all or part of the security deposit; 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 paid for these proceedings.

At the outset of the hearing the landlord advised that the tenant does not appear to be residing in the rental unit and as abandoned the rental unit; therefore, the landlord withdraws the application for an Order of Possession.

The landlord states that he served the tenant with the application and Notice of hearing by putting them under the tenant's door on December 16, 2012. Section 89(1) of the *Act* states when a landlord is applying for a Monetary Order he must either serve the tenant in person or by registered mail.

Consequently, I find the tenant has not be served in accordance with s.89 of the *Act* and no hearing has taken place today.

Conclusion

The landlord's application for a Monetary Order and an Order to keep the security deposit are 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: January 17, 2013

Residential Tenancy Branch

