



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Starlight Investments c/o Gateway Property Mgmt
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNSD, MNR, FF

Introduction

This is the Landlord's application for a Monetary Order for unpaid rent; 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 the Notice of Hearing documents were sent to the Tenant, by registered mail, at the address provided by the Tenant. She stated that she was a new employee of the Landlord's and that she was not certain of the date that the documents were mailed. The Landlord's agent did not have a copy of the registered mail receipt to refer to.

This application was scheduled to be heard via teleconference on February 28, at 1:30 p.m. By 1:40 p.m., the Tenant had not yet signed into the teleconference.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that that the Landlord has not provided sufficient proof that the Tenant was served with the Notice of Hearing documents, and therefore I dismiss the Landlord's application with leave to re-apply.

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: March 11, 2013

Residential Tenancy Branch

