



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPE, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the landlords application for an Order of Possession because employment with the landlord has ended; for an Order permitting the landlord to keep all or part of the tenants security deposit; to recover the filing fee from the tenant for the cost of this application.

The landlord 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 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: April 16, 2013

Residential Tenancy Branch

