



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNSD, OPT, RP, FF

Introduction

This hearing was convened by way of conference call in response to the tenant's application to cancel a Notice to End Tenancy for unpaid rent; to recover the security deposit; for an Order of Possession of the rental unit; for an Order for the landlord to make repairs to the unit, site or property; and to recover the filing fee from the landlord for the cost of this application.

The tenant attended the hearing. The tenant testifies that he served the landlord by registered mail with a copy of the application and Notice of Hearing. The landlord did not attend the conference call and the tenant was unable to provide any evidence to prove service of the hearing documents on the landlord.

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 landlord was served with the hearing documents in accordance with the section 89 of the *Act*, I dismiss the tenant's application with leave to reapply.

As the tenant has stated that he has already vacated the rental unit the tenant may only reapply for the return of his security deposit.

Conclusion

I dismiss the tenant's application with leave to reapply for the security deposit portion of his claim only.

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 07, 2014

Residential Tenancy Branch