



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MND, MNR, MNSD, MNDC, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession – Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for damage to the unit – Section 67;
4. A Monetary Order for compensation – Section 67;
5. An Order to retain the security deposit - Section 38; and
6. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. At the outset of the hearing the Landlord withdrew its claim for an order of possession as the Landlord had possession of the unit. There was some debate by the Landlord on whether to withdraw the entire application as the Landlord was considering enforcement issues. It was noted that the Landlord did not submit or provide orally any proof of service for the service of the application. The Landlord also did not provide photos of damages, invoices or bills to support the claimed amount and copies of the move-in and move-out report. As the Tenant did not attend the hearing and there was no prejudice to the Tenant, the Landlord was given opportunity to provide this evidence by fax before the end of the hearing date. As of this date no faxed submissions have been provided, in particular, no evidence of service of the application was provided to show service as required under the Act. As a result, I dismiss the 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: March 11, 2014

Residential Tenancy Branch

