



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 10:45 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 10:30 a.m. The landlord's agent (the agent) attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Preliminary Issue- Service of Documents

The agent testified that the landlord was unexpectedly unavailable for this hearing, but had appointed the agent to look after this matter. The agent testified that the landlord had sent the tenant a copy of the dispute resolution hearing package, including notice of this hearing, by registered mail. However, the agent had no further details with respect to the service of the landlord's hearing package. The agent did not know when this package was served nor did he have the Canada Post Tracking Number to demonstrate service of this package to the tenant.

As I am not satisfied that the landlord or his agent have demonstrated that the tenant has been served with notice of this hearing and the landlord's dispute resolution hearing package in accordance with section 89(1) 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: October 22, 2014

Residential Tenancy Branch

