



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding YORKSON INVESTMENT CO LTD
and [tenant name suppressed to protect privacy]

DECISION

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

Introduction

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

- an order of possession for unpaid rent pursuant to section 55;
- 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 the filing fee for this application from the tenant pursuant to section 72.

The landlord's agent, P.C. attended the hearing by conference call and gave undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence.

Preliminary Issue

The landlord was authorized to serve the tenant with by substitute service via email in an order granted on July 7, 2015 after filing an application for substitute service. The Order requires that "The Applicant **must provide proof** they serve the Respondent by this method." The landlord has not provided any proof of service as per the Substitute Service Order granted on July 7, 2015. Based upon this, I find that the tenant has not been properly served as per sections 88 and 89 of the Act. 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: December 15, 2015

Residential Tenancy Branch

