



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPC, MND, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, for a Monetary Order for compensation for damages to the rental unit and to recover the filing fee for this proceeding.

This oral hearing via teleconference started at 1:30 p.m. as scheduled, however by 1:40 p.m. the Landlord/Applicant had not dialled into the conference call. The Tenant claimed that she had not been served with the Landlord's Application and Notice of Hearing (the "hearing package") but learned of the date and time of the hearing by contacting the Residential Tenancy Branch. In the circumstances, I find that the Tenant has not been served with the Landlord's hearing package as required by s. 89 of the Act and as a result, the Landlord's application is dismissed with leave to reapply.

Conclusion

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: January 26, 2011.

Residential Tenancy Branch