Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPC, MND, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order and an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenant did not attend.

The landlord's agent testified the tenant was served with Notice of Hearing documents via registered mail on September 6, 2011 to the dispute address. The landlord's agent also testified that the tenant has not been seen on the residential property since mid August 2011 and did not pay rent for September 2011.

Based on the agent's testimony it appears the tenant has abandoned the rental property prior to the service of the Notice of Hearing documents. Section 89 of the *Residential Tenancy Act (Act)* stipulates that such documents can be served by leaving a copy with the person; sending a copy by registered mail to the address at which the person resides; or to a forwarding address provided by the tenant.

As such, the landlord should have known the tenant was not residing at the dispute address and therefore I find the landlord has failed to serve the tenant with notice of the hearing.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause; to a monetary order for damage; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 47, 55, 67, and 72 of the *Residential Tenancy Act (Act).*

Conclusion

Based on the above, I dismiss the landlord's Application in its entirety 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: September 21, 2011.

                                                 Residential Tenancy Branch