



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing was convened in response to the landlord's application for a monetary order for unpaid rent, an order to be allowed to retain the security deposit and recover the filing fee for the cost of this application.

The tenant did not appear.

A person named JM appeared at the hearing. Both the landlord and JM were sworn.

JM testified that he was the roommate of the tenant named in this application. JM is not named as a respondent in this application although he was served with the application by the landlord. JM does not understand why he was served but says he does not consider himself a tenant of the landlord.

The landlord testified that there were several papers that were involved in this claim and he could not be sure which paper he served on the tenant or when. Time was provided for the landlord to sort through his papers to provide evidence of proper service of his claim on the tenant named in the application. However, the landlord supplied testimony of differing dates of service which dates preceded the issuance of the application he wished to pursue and he submitted that he served the tenant in person but later submitted that this was not so.

Overall I find that the landlord was unable to provide sufficient evidence to demonstrate that the tenant named in this application has had notice of the claims being made against him.

I will therefore dismiss the landlord's claim 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: November 16, 2011.

Residential Tenancy Branch