Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR, MNR, FF

Introduction

This hearing was convened to hear the landlord's application for an Order of Possession for unpaid rent or utilities, a Monetary Order for unpaid rent or utilities; and to recover the filing fee from the tenant for the cost of this application.

The landlord's agent testifies that he does not know how the tenant was served with the landlord's application and Notice of Hearing. The landlord's agent testifies that the tenant has vacated the unit and other people are now living in the unit without the landlord's permission. The tenant did not attend the conference call and the landlord's agent was unable to provide any evidence to prove service of the hearing documents on the tenant.

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the tenant was served with the hearing documents in accordance with the section 89 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: August 08, 2013

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Residential Tenancy Branch