



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OPR, MNR, MNDC, FF

Introduction and Preliminary Matter

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for a monetary order for money owed or compensation for damage or loss and for unpaid rent, for authority to retain the tenant's security deposit, and for recovery of the filing fee paid for this application.

The landlord also applied for an order of possession for the rental unit due to unpaid rent; however, the landlord confirmed the tenancy has ended as the tenant vacated the rental unit.

The landlord attended; the tenant did not attend the telephone conference call hearing.

At the outset of the hearing, the landlord confirmed that he served his application and notice of hearing letter to the tenant by placing the documents in her mailbox.

Analysis and Conclusion

Section 89(1) of the Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving it with the person, or hand delivery, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

In the case before me, I find that the landlord failed submitted insufficient evidence that he served the tenant his application for dispute resolution and notice of this hearing in a manner required by the *Act* and as a result, I dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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: March 19, 2015

Residential Tenancy Branch

