



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with a landlord's application for an order of possession and for a monetary order for unpaid rent. The tenant did not attend the hearing. The landlord was unsure of whether she had served the tenant with the notice of hearing by regular mail or registered mail. The landlord did not file any evidence to support service of the notice of hearing on the tenant.

Issues(s) to be Decided

Was the tenant served the notice of hearing? Did the landlord serve a valid notice to end tenancy on the tenant? Is the landlord entitled to an order of possession and a monetary order for unpaid rent?

Conclusion

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The tenant gave contradictory evidence regarding the service of the notice of hearing on the tenant. Based on the testimony of the tenant, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*. In addition the landlord did not file any evidence to support her application.

Accordingly the landlord's application is dismissed.

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 16, 2011.

Residential Tenancy Branch