Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction:

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the fee for filing an Application for Dispute Resolution.

Issue(s) to be Decided:

Is the Landlord entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent?

Background and Evidence:

The Landlord was represented at the hearing but the Tenant was not in attendance.

The Landlord stated that the Tenant was served with the Notice of Hearing and the Application for Dispute Resolution by registered mail. The Landlord could not recall the date of service; the Landlord was not able to locate the Canada Post receipt; and the Landlord was not, therefore, able to provide a tracking number for the mail that was sent.

Analysis

The purpose of serving the Application for Dispute Resolution documents is to notify the Tenant that a dispute resolution proceeding has been initiated. The Landlord has the burden of proving that the Tenant was served with the Application for Dispute Resolution.

In the absence of evidence that corroborates the testimony that the Application for Dispute Resolution was served by registered mail, such as a Canada Post receipt or at least a tracking number for the registered mail, I find that the Landlord has submitted

insufficient evidence to establish that the Application for Dispute Resolution was mailed to the Tenant.

Conclusion

As it has not been established that the Tenant was properly served with notice of this hearing, I decline to consider the matter in the absence of the Tenant. The Application for Dispute Resolution is dismissed <u>with leave to reapply</u>.

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 20, 2013

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Residential Tenancy Branch