



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession – Section 55
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions. The Tenant sought an adjournment so that the other Tenant could attend. The other Tenant was undergoing a medical procedure today. The Landlord argued against the adjournment stating that his application has already been delayed. Considering that one Tenant has attended the hearing, I found this to be sufficient and declined to adjourn today’s hearing.

This hearing is a review hearing following the Tenant’s successful application for a review consideration. The Tenant was successful in obtaining this review hearing on the basis that the Tenant received no documentation from the Landlord. The Tenant states again that no documents were ever served on the Tenants until the Landlord served an order of possession on the Tenants on May 28, 2014.

The Landlord cannot recall what date he served the 10 day notice to end tenancy but states that he was posted on the door. The Landlord states that he served two application and notice of hearing packages to the Tenants in person on May 20, 2014. The Landlord states that he served the Tenants with an evidence package as well but is

not sure when. The Landlord did not provide an affidavit of service and did not identify a witness to the proceedings in advance of the hearing although the Landlord states that the services were witnessed.

Considering the lack of supporting evidence provided by the Landlord to substantiate the service of any documents, most importantly the 10 day notice to end tenancy and the subsequent application, considering the evidence of the Tenant that no documents were ever served on the Tenants other than an order of possession, and noting that the Landlord knew well in advance of today's hearing that service of documents was being disputed, I find that the Landlord's application must be dismissed as the Landlord has not shown on a balance of probabilities that the Landlord complied with the service provisions in the Act.

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 12, 2014

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Residential Tenancy Branch

