



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1097373 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, MNDC, RPP

Introduction

This hearing was scheduled to deal with the tenant's application made on October 3, 2017 for a Monetary Order for return of the security deposit, other damages or loss under the Act, regulations or tenancy agreement; and, return of his personal property. The tenant had also submitted a Monetary Order worksheet that appears to be an attempt to increase the monetary claim dated October 13, 2017. The tenant appeared at the hearing; however, there was no appearance on part of the landlord.

Since the landlord did not appear at the hearing, I proceeded to explore service of the hearing documents upon the landlord. The tenant testified that he sent the hearing documents to the landlord via registered mail "as soon as it was completed". The tenant could not provide the date of mailing or the registered mail tracking number to me during the hearing; however, he indicated that he may be able to locate the registered mail receipt at home. I continued to hear the tenant's case, but I informed the tenant that the outcome would be dependent upon receiving a copy of the registered mail receipt. The tenant stated that he would provide the registered mail receipt to the Service BC office in his town by May 7, 2018. I also requested the tenant provide me with copies of the *10 Day Notice to End tenancy for Unpaid Rent* and the *2 Month Notice to End Tenancy for Landlord's Use of Property* that he said he was served. The tenant stated that he had photographs of those Notices on his cell phone and he would try to have copies printed off. As of this date, I have yet to receive a copy of a registered mail receipt or any of the other documents I requested from the tenant.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove the respondent was served with notification of the proceeding and the claims against them. This is in keeping with the principles of natural justice. Where an applicant serves by registered mail, the applicant should provide a copy of the

registered mail receipt, or at least be able to provide the registered mail tracking number orally during the hearing.

An Application for Dispute Resolution is to be served to the respondent within three days of the hearing package being made available. In this case, the hearing package was generated on October 3, 2017 and the tenant's application indicates he is seeking compensation in the sum of \$301.00. Then the tenant submitted a Monetary Order worksheet dated October 13, 2017 indicating he was seeking compensation totalling \$1,315.22. I find the tenant's testimony that he served the landlord "as soon as it was complete" in the absence of the registered mail receipt(s) or registered mail tracking number(s) to be insufficient for me to conclude the landlord was adequately served with notification of the tenant's claims against them. Therefore, I do not give further consideration to the tenant's application and it is dismissed with leave to reapply.

The tenant remains at liberty to file another Application for Dispute Resolution against the landlord within the statutory time limit for doing so.

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: May 11, 2018

Residential Tenancy Branch