



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR-DR, MNR-DR, FFT

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "*Act*"), made on June 7, 2018. The Landlord applied for an order of possession for the rental unit, a monetary order for unpaid rent and to recover the filing fee paid for the application. The matter was set for a conference call.

The Landlord attended the hearing and was affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Landlord testified that the Application for Dispute Resolution and Notice of Hearing document had been served to the Tenant by Canada Post Registered mail, sent on March 24, 2023, a Canada Post tracking number and a picture of the mailed envelope was provided as evidence of this service.

It was noted that the address used for this mailing to the Tenant was the same address as the Landlord's address. The Landlord was asked to provide an explanation as to why they have the same mailing address as the Tenant. The Landlord testified that the Tenant lives in a separate unit in the back but that they share the same mailbox. The Landlord confirmed that they and the Tenant have their own keys to the mailbox but that they do have access to each other's mail.

As this Landlord and Tenant share the same mailbox, I find that I am unable to confirm if the Tenant received this Canada Post Registered mailing. As I am unable to confirm the Tenant received the Canada Post Register mail or the notice of the mail from

Canada Post, I must find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Consequently, I dismiss the Landlord's application for an order of possession and a monetary order for unpaid rent with leave to reapply.

I dismiss the Landlord's application to recover the filing fee paid for this application without leave to reapply.

This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Application for Dispute Resolution for an order of possession and a monetary order for unpaid rent with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

I dismiss the Landlord's application to recover the filing fee paid for this application without leave to reapply.

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: April 18, 2023

Residential Tenancy Branch