

## **DECISION**

**Dispute Codes:** MNDC, OLC, ERP, OPT, O

This hearing dealt with an application by the tenant for a monetary order for compensation under the tenancy agreement, for the landlord to comply with the *Act*, for an order for emergency repairs and an order of possession of the rental unit.

At the outset of the hearing, I asked the tenant if she had served the landlord with the application for dispute resolution and the notice of hearing. The tenant became hesitant and said that she did not know. Eventually, she said that it was February 26, 2009. Towards the end of the hearing, the tenant changed her testimony to state that she served the landlord these documents on March 4, 2009. When I asked the tenant for details on how she served the landlord on that day, she became evasive and hesitant. The above inconsistency was pointed out to the tenant but she was unable to offer any explanation.

Based on the above, I find that the tenant has not proven that the landlord was served with the application for dispute resolution and the notice of hearing. I therefore dismiss the tenant's application with leave to re-apply.

Dated March 27, 2009.