



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, and recovery of the filing fee. The female tenant appeared at the hearing and testified she was served with notice of today's hearing only yesterday when the landlord threw papers at her door. The landlord testified the tenant was served with notice of the hearing on August 14, 2009 by the landlord's husband. The landlord's husband was asked to appear at the hearing, which he did; however, the landlord's husband could not speak English. The landlord presented her son as a witness. Upon enquiry, the landlord's son testified he was with his father when his father served documents upon the tenants a couple of weeks ago. Then the landlord could be heard in the background advising her son to testify service occurred on August 14, 2009. The landlord also submitted late documentary evidence to the Residential Tenancy Branch that I did not hear was served upon the tenant.

It is upon the applicant to prove service of the Application for Dispute Resolution, Notice of Hearing and all relevant evidence upon the other party in a manner that complies with the Act and within the time limits required under the Act. I did not find the inconsistent verbal testimony presented to me to be sufficient to satisfy me that the tenant was served with the hearing documents in a manner that complies with the requirements of the Act. Accordingly, the landlord's application was dismissed.

Upon explaining requirements under the Act to the landlord, the landlord became irate and despite muting the landlord on one occasion the landlord would not stop yelling into the telephone. After informing the landlord to contact the Residential Tenancy Branch for further assistance, I ended the teleconference call.

It was apparent the landlord is unaware of the rights and obligations under the Act and I have enclosed A Guide for Landlords and Tenants in British Columbia as additional information for the landlord.

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: October 01, 2009.

Dispute Resolution Officer