

DECISION

Dispute Codes MND, MNR, MNSD, FF

This hearing was scheduled to deal with the landlord's application for a Monetary Order for damage to the rental unit, unpaid rent, retention of the security deposit and recovery of the filing fee. The tenants did not appear at the hearing. The landlord testified that she served the tenants with notification of this hearing by registered mail. The landlord testified that the tenants received the registered mail. The landlord was asked to provide proof of service such as a registered mail receipt or tracking number. The landlord could not provide a tracking number and explained she may need up to two weeks to locate a receipt. Upon enquiry, the landlord stated she did not serve the tenants with the landlord's documentary evidence as she was unaware she was required to do so.

Where a respondent does not appear at a hearing, the applicant must be prepared to prove service. Proof of service by registered mail should include the original receipt given by the post office and should include the date, address of service and evidence the address is the person's forwarding address or residence at the time of mailing.

Information about serving the other party with evidence is noted on the Notice of Hearing and in the information sheet provided with the hearing package.

As the landlord was informed during the hearing, dispute resolution proceedings are based on the principles of natural justice. Natural justice requires that a respondent be informed of the nature of the claim and the monetary amount sought against them by

the applicant. This is one of the many purposes of serving the respondent with the Application for Dispute Resolution, Notice of Hearing and documentary evidence.

In light of the above, I dismissed the landlord's application with leave to reapply as the landlord could not prove service upon the tenants.

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: June 25, 2010.

Dispute Resolution Officer