



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, MNDC, MNR, OPR, FF

DECISION AND REASONS

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking monetary orders for unpaid rent and damage to the rental unit.

The Landlord and his interpreter appeared and gave affirmed testimony. I allowed limited testimony with the condition that I would dismiss the Application if there was no evidence of service of the dispute resolution hearing.

The Landlord did not submit a signed Proof of Service of the Notice of dispute resolution proceeding and could not provide a specific date of the alleged service. Additionally there was conflicting testimony as to whether the alleged service of the Proof of Service was by posting on the door or by registered mail. The Act states that service of a copy of the application must be made to the other party within 3 days of making it.

The Act and principles of natural justice require that the Tenant/Respondent be informed of the nature of the claim and the monetary amount sought against her. This is one of the many purposes of the Application for Dispute Resolution and the Notice of Hearing. Without being served, the Tenant/Respondent would easily have any Decision or Order made against her overturned upon Review.

Therefore, on a balance of probabilities, I find the Tenant has not been served with the Notice of Hearing and Application for Dispute Resolution. I **dismiss** the Landlord's Application with 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: September 20, 2010.

Dispute Resolution Officer