



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Tenant did not attend the hearing. The male Agent for the Landlord stated that he believes the owner of the company personally served copies of the Application for Dispute Resolution and Notice of Hearing to the Tenant however that person is not available to attend the hearing to attest to his actions.

Analysis

The purpose of serving the Application for Dispute Resolution and Notice of Hearing is to notify the Tenant that a dispute resolution proceeding has been initiated. The Landlord has the burden of proving that the Tenant was served with the Notice of the Application for Dispute Resolution and the Notice of Hearing.

In the absence of evidence from the person who served the Notice of the Application for Dispute Resolution and Notice of Hearing, I find that I cannot proceed with the hearing, as I am not satisfied that the Tenant was properly advised that a hearing would be taking place.

Conclusion

As the Landlord has not established that the Tenant was served with the Notice of the Application for Dispute Resolution and the Notice of Hearing, I hereby dismiss the Landlord's Application for Dispute Resolution, 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: October 29, 2010.

Dispute Resolution Officer