



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR

Introduction

This hearing was convened in response to an Application for Dispute Resolution filed by the Landlord, in which the Landlord applied for an Order of Possession and a monetary Order.

The Agent for the Landlord stated that she sent copies of the Notice of Hearing and Application for Dispute Resolution to each Tenant at the rental unit, via registered mail, on November 15, 2010. She stated that she subsequently spoke with one of the Tenants who advised that they had vacated the rental unit on November 04, 2010. She stated that she does not believe that either Tenant received the registered mail she sent, as she believes they had vacated the rental unit prior to November 15, 2010.

Analysis and Conclusion

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

I find that the Landlord has failed to establish that the Tenant(s) have been served with copies of the Notice of Hearing and Application for Dispute Resolution pursuant to section 89 of the *Act*. While I accept that these documents were mailed to the rental unit on November 15, 2010, the evidence shows that the Tenants were not living at the rental unit at that time and I cannot, therefore, conclude that either one of the Tenants was served pursuant to section 89(1)(c) or 89(1)(d) of the *Act*.

As the Landlord has failed to establish that the Tenant(s) was served with the Notice of Dispute Resolution Proceeding, I dismiss the Landlord's Application for Dispute Resolution, with leave to reapply.

Dated: December 03, 2010.

Dispute Resolution Officer