



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: MT, CNL, MNR, MNDC, RPP, RR

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy and for a monetary order for compensation. The notice of hearing dated November 26, 2010 was picked up by the tenant on December 09, 2010. The tenant attempted to serve the landlord on the same day at his residence but was unsuccessful. The tenant mailed the notice to the landlord on Friday December 09, 2010 by priority mail. The landlord did not attend the hearing.

Issue to be Decided

Was the landlord properly served with the notice of hearing?

Analysis

Based on the testimony of the tenant, I find that she mailed the notice to the landlord on Friday December 10 for a hearing that was scheduled for Tuesday December 14. I find that even if the landlord had received the notice prior to the hearing, he would not have had enough time to respond. The tenant has not proven service of documents to the landlord pursuant to Section 88 of the *Residential Tenancy Act*

Conclusion

The tenant's application is dismissed 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: December 14, 2010.

Dispute Resolution Officer