



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing was scheduled to deal with the tenant's application for monetary compensation for damage or loss under the Act, regulations or tenancy agreement. Both parties appeared at the commencement of the hearing. The landlord stated at the beginning of the hearing that the first he learned of this proceeding was 4 or 5 days ago when he received an evidence package in the mail. The landlord also stated that he did not have sufficient time to gather evidence in response to this matter. I noted that the Residential Tenancy Branch received the tenant's evidence package in the week previous to the scheduled hearing; therefore, I accepted that the landlord's submission that he received the evidence package only a few days before this hearing.

The tenant's advocate testified that on June 24, 2011 she personally gave a copy of the tenant's Application for Dispute Resolution to a person who identified himself as the resident manager of the residential property. In addition, other persons at the property also stated that the person served was the building manager. The advocate referred to the person by his first name only. The landlord denied that such a person worked for him in June 2011.

Where service of a document comes under dispute, the party that served the document has the burden to prove the document was served. Based upon the submissions before me, I found that I was not satisfied that the landlord had been sufficiently served with the tenant's Application for Dispute Resolution. Therefore, I dismissed this 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 27, 2011.

Residential Tenancy Branch