



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and retention of the security deposit. The tenant did not appear at the hearing. The landlord testified that he served the tenant with the hearing documents via registered mail sent to the rental unit on October 7, 2011. I also heard that the registered mail was returned to the landlord. The landlord did not provide a copy of the registered mail receipt as evidence prior to this hearing. Nor could the landlord provide the registered mail tracking number during the hearing.

As provided in Residential Tenancy Policy Guideline 12: *Service Provisions*, where a respondent does not appear at the hearing, it is upon the applicant to prove service of the hearing documents upon the respondent. Proof of service by registered mail should include the original receipt from the post office, indicate the date of service, the address of service, and that the address of service was the person's residence at the time of service or the forwarding address given by the tenant.

Considering the evidence before me, I found that the landlord did not meet his burden to prove service of the hearing documents upon the tenant. Therefore, I dismissed the landlord's application with leave to reapply.

Conclusion

The landlord's application was 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: November 01, 2011.

Residential Tenancy Branch