



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession for Unpaid Rent and the landlord's monetary claim for unpaid rent for the months of September 2011 through November 2011. The named tenants did not appear at the hearing. The landlord was represented by an agent.

The landlord's agent submitted two registered mail receipts as proof the hearing documents were sent to the tenants via registered mail sent to the rental unit on October 19, 2011. The agent testified that she did not know whether the tenants were residing in the rental unit on October 19, 2011 as the owner has not provided the agent with a means of accessing the condominium building or the rental unit. Nor has the agent been able to make telephone contact with the tenants.

Section 89 provides for ways an Application for Dispute Resolution must be served upon a respondent. If a landlord chooses to serve by registered mail, the mail must be sent to the tenant's residence or the forwarding address provided by the tenant.

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 her burden to show that the tenants were residing in the rental unit at the time of mailing the hearing documents to them.

After informing the agent of this information, the agent used profanity and the teleconference call was ended.

The landlord remains at liberty to file another Application for Dispute Resolution within two years of the tenancy ending.

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 09, 2011.

Residential Tenancy Branch