



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not appear. The Landlord appeared and stated that the Tenant was served with the application and notice of hearing by a person who lived in the upper unit. No affidavit of this service was provided. Further, no evidence was filed by the Landlord to support the claims made in the application such as a copy of the Notice to End Tenancy and the tenancy agreement.

Section 3.3 of the Rules of Procedure requires that where a respondent does not attend a hearing, the person who served the applicant’s documents as required under the Act, must either attend the hearing to give evidence of the service or, if that person is unavailable for attendance at the hearing, may submit an affidavit of service as evidence. As the Landlord was unable to provide evidence of service, I cannot find that service has been accomplished in accordance with Section 89 of the Act and I therefore dismiss the 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: March 5, 2012.

Residential Tenancy Branch