



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

The landlord participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenant by way of registered mail sent either March 1st, 2012 and stated that she received a Canada Post tracking number.

The landlord stated that she was at work and that she did not have the receipts to confirm the date that she sent the application to the tenants. In reviewing her application I note that the landlord's application for dispute resolution is dated March 15th, 2012; therefore I find it difficult to accept, without documentary evidence, the landlord's testimony that she sent the tenant the notice of dispute resolution to a hearing on either March 1st or March 2nd, some two weeks before she completed the application.

Section 59(3) of the Act provides that a party applying for dispute resolution must serve a copy of the application to the other party named in the dispute. In the interest of administrative fairness, the respondent in the dispute is entitled to be heard at a hearing. Based on the information provided by the applicant, I am not satisfied that the respondent was served in accordance with the Act.

Conclusion

This application is therefore dismissed with leave to reapply. Take notice that a leave to reapply is not an extension to any applicable limitation period.

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: April 04, 2012.

Residential Tenancy Branch