



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession based on unpaid rent, a monetary order for unpaid rent, an order to retain the security deposit in partial satisfaction of the claim and an order to recover the filing fee for the Application.

The Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Landlord filed this Application on March 30, 2012, and received the hearing package on March 30, 2012. The Landlord testified he served the Notice of Hearing and his Application on the Tenant on April 11, 2012, by posting it on the door.

The Landlord was unable to testify as to when he served the Tenant with the 10 day Notice to End Tenancy for unpaid rent. He testified he did not have the documents with him for this hearing. When I explained to him that the 10 day Notice to End Tenancy was dated March 20, 2012, he initially testified he served this on the Tenant on April 15 and then was unsure if it was served in the middle of April or on March 30, 2012.

### Conclusion

I dismiss the Application of the Landlord with leave to reapply.

The Landlord should have served the Notice of Hearing and his Application on the Tenant within three days of receiving it from the Branch.

Furthermore, the Landlord appeared to be guessing at the dates of when he served the 10 day Notice to End Tenancy for unpaid rent.

The Landlord was unprepared for the hearing and could not provide evidence of the date of service of the various documents, or he had served the Tenant outside of the required time limit.

I explained to the Landlord that service of the documents involved in these tenancy matters is very important. I am enclosing a guidebook to the law for his use.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 23, 2012.

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Residential Tenancy Branch