



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession and a Monetary Order for unpaid rent. The tenant did not appear at the hearing. The landlord testified that he personally served the tenant with the hearing documents at the rental unit. The landlord initially stated that he could not recall the date he served the tenant but submitted that it was approximately one month prior to the hearing. The landlord then changed his testimony and stated that he served the hearing documents upon the tenant on April 9, 2012.

Where a respondent does not appear at the hearing, it is upon the applicant to prove service of the hearing documents upon the respondent. In this case, the landlord filed this application on April 18, 2012 and the Notice of Hearing was generated on April 19, 2012. Accordingly, the earliest date the hearing documents could have been served was April 19, 2012. Given the landlord's testimony that he served the tenant with the hearing documents approximately one month ago or on April 9, 2012, I found the landlord did not satisfy me that the tenant was served with hearing documents.

In light of the above, I dismissed the landlord's application with leave to reapply. 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: May 09, 2012.

Residential Tenancy Branch