



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession and Monetary Order for unpaid rent. Both parties appeared at the hearing.

At the commencement of the hearing the tenant stated she was not served with all pages of the Application for Dispute Resolution and did not receive the Notice of Hearing from the landlord. The tenant also stated the documents she did receive were in her mailbox on May 9, 2012 which is several days after the Notice of Hearing was generated. Upon enquiry of the landlords, they submitted that the tenant was served personally. Initially they testified service occurred on or about May 10, 2012 in person and then the landlords changed their testimony to state service occurred before the hearing documents were even generated.

As the applicant bears the burden to prove service of hearing documents within the time limits required under the Act and in a manner that complies with the Act and Rules of Procedure, I found the landlord did not meet this burden given the inconsistent and disputed testimony. Therefore, I dismissed this application with leave to reapply.

The landlords remain 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 17, 2012.

Residential Tenancy Branch