



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction and Analysis

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for money owed or compensation for damage or loss.

The landlord did not appear at the hearing.

The tenant stated that he served the landlord with the Notice of Hearing and Application by registered mail; however, the tenant was not able to supply the necessary information or testimony regarding proof of the service of the Application and Hearing Package to the landlord, such as date served or tracking number.

The purpose of serving documents such as the Application and Hearing Package under the Residential Tenancy Act (the "Act") is to notify the person being served of their alleged breach and notification of their rights under the *Act* in response. The tenant is seeking a monetary order and has the burden to prove service of the Application and Hearing Package pursuant to section 89 of the Act.

I cannot confirm that the landlord received a copy of the Application and Hearing Package.

I therefore find that the tenant had insufficient evidence to show the landlord was served with the Application and Hearing Package consistent with the Residential Tenancy Branch Rules of Procedure and the Act.

Conclusion

I hereby **dismiss** the tenant's 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: May 09, 2012.

Residential Tenancy Branch