



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing was scheduled to hear a tenant's application for a Monetary Order for damage or loss under the Act, regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions and to respond to the submissions of the other party.

The tenant testified that the evidence package sent to the Residential Tenancy Office was returned to him by Canada Post this morning because it was damaged. The tenant was uncertain as to when his submission was mailed to the Branch. The tenant was also uncertain as to when his Application for Dispute Resolution and evidence were served upon the landlord as his wife had taken care of such matters. The tenant was of the belief the landlord was served by registered mail. The tenant's wife was unavailable to testify.

The landlord confirmed receipt of the tenant's Application for Dispute Resolution by personal delivery by the tenant but denied that the evidence was received.

As the parties were informed, a party that serves documents has the burden to prove the documents were served. Having been unsatisfied as to service of the Application for Dispute Resolution and evidence I dismissed this application with leave to reapply.

The tenant asked the landlord to provide or confirm a service address for the landlord. The landlord confirmed that the address identified on the tenant's application is the correct service address for the landlord.

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: July 25, 2012.

Residential Tenancy Branch