

## **DECISION**

Dispute Codes      OPR, MNR

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord stated that the Tenant was personally served with the notice of hearing package on August 28, 2012. I note that the package was prepared for pick up by the Landlord on August 7, 2012 for delivery to the Tenant within 3 days. The Landlord's witness, I.R. stated that he was not present during the delivery and I find that his testimony to be unhelpful. I found the Landlord's details on the delivery of the notice of hearing package to be confusing and contradictory. As such, I am not satisfied that the Tenant was properly served with the notice of hearing package. I also note that the Landlord's evidence was filed late in contravention to the rules of procedure. The Landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: September 05, 2012.

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Residential Tenancy Branch