



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, OPE, MND, MNR, FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and damages; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord testified that he served the Tenant with the Notice of Hearing documents, by handing the documents to the Tenant but he was not sure of the date. On reflection, the Landlord stated that he served the Tenant on September 28, 2012.

The Landlord filed his Application for Dispute Resolution with a Government Agent on September 26, 2012. The Government Agent forwarded the Tenant's Application to the Residential Tenancy Branch on September 27, 2012. The Landlord was advised that he had to serve the Tenant with the Notice of Hearing documents by September 30, 2012. On October 17, 2012, the Government Agent spoke with the Landlord because he had not yet picked up the Notice of Hearing documents. A note on the file indicates that the Landlord was cautioned about late service and advised that he must pick up the documents and serve the Tenant by 4:30 p.m., October 18, 2012 or the file would be deemed abandoned.

It is unclear what documents the Landlord served the Tenant on September 28, 2012, but it is clear that the Landlord did not serve the Tenant with the Notice of Hearing documents on September 28, 2012, because he had not yet picked them up from the Government Agent.

Therefore I find that the Landlord has not provided proof that the Tenant was served with the Notice of Hearing documents and I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application is dismissed **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: October 31, 2012.

Residential Tenancy Branch