



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; and to recover the fee for filing the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*?

Background and Evidence

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant at the rental unit, via registered mail, on November 19, 2012. The Landlord submitted no documentary evidence to corroborate this claim and was unable to cite a Canada Post tracking number that would help corroborate the testimony.

Analysis

The purpose of serving the Application for Dispute Resolution and Notice of Hearing is to notify the other party that a dispute resolution proceeding has been initiated. In these circumstances, the Landlord has the burden of proving that the Tenant was served with the Application for Dispute Resolution and Notice of Hearing.

In the absence of evidence, such as a Canada Post receipt or a Canada Post tracking number, that corroborates the testimony that documents were served to the Tenant by registered mail, I find that the Landlord has not met the burden of proving that the documents were served to the Tenant. I therefore dismiss the Application for Dispute Resolution, with leave to reapply.

Conclusion

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: December 19, 2012.

Residential Tenancy Branch