



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNC, CNL, MNSD, MNDC, RP, OLC, MT, and FF

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause and a Notice to End Tenancy for Landlord's Use of Property; for more time to set aside a Notice to End Tenancy; for an Order requiring the Landlord to make repairs; for an Order requiring the Landlord to comply with the tenancy agreement and/or the *Residential Tenancy Act (Act)*; for a monetary Order; and to recover the fee for filing this Application for Dispute Resolution.

### Issue(s) to be Decided

Should this dispute resolution hearing proceed in the absence of the Landlord?

### Background and Evidence

The Tenant stated that the Application for Dispute Resolution and Notice of Hearing were personally served to the Landlord by her co-tenant, who was unable to attend the hearing. She stated that she is not certain of the date of service.

### Analysis

The purpose of serving the Notice of Hearing and Application for Dispute Resolution is to notify the other party that a dispute resolution proceeding has been initiated. The Applicant has the burden of proving that the Respondent was served with the Notice of Hearing and Application for Dispute Resolution.

I find that the Tenant has submitted insufficient evidence to establish that the Landlord was served with the Notice of Hearing and Application for Dispute Resolution. In reaching this conclusion I was heavily influenced by the absence of a written declaration from the co-tenant or testimony from the co-tenant that establishes he personally served these documents to the Landlord. I find that the evidence of service provided by the Tenant is hearsay evidence and is subject to the frailties typically associated to evidence of that nature.



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### Conclusion

As the Tenant has failed to establish that the Landlord was served with notice of this hearing, I dismiss the Application for Dispute Resolution, 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*.

Date: January 17, 2012

Residential Tenancy Branch