



# 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 dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

The landlord testified that his caretaker applied for dispute resolution prior to the end of her employment. The caretaker did not file any evidence to support the application and was not present at the hearing. The landlord did not provide proof of service of the notice of hearing to the tenant. He stated that the caretaker served the package to the tenant in person. The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Was the tenant properly served with the notice of hearing, the landlord's evidence and the landlord's application for dispute resolution? If so, is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

### **Background and Evidence**

The landlord stated that he assumed that the caretaker had filed the relevant documents into evidence and had also served a copy of the evidence to the tenant. At the time of the hearing, there was no documentary evidence before me. Therefore I am unable to determine whether the tenant was served with all the required documents including a valid notice to end tenancy. Accordingly, I dismiss the landlord's application.

### **Conclusion**

The landlord's application is dismissed.

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: November 20, 2012.

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Residential Tenancy Branch

