



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BOSA DEVELOPMENTS  
and GATEWAY PROPERTY MANAGEMENT CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR MNSD FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on November 23, 2012, by the Landlord to obtain a Monetary Order for: unpaid rent or utilities; to keep the security and/or pet deposit, and to recover the cost of the filing fee from the Tenants for this application.

### Issue(s) to be Decided

Have the Landlords met the burden of proof to establish the Tenants were sufficiently served notice of this proceeding?

### Background and Evidence

At the outset of this proceeding the Landlord stated that each Tenant was served notice of this proceeding by registered mail. The Landlord was not able to provide the Canada Post tracking information in her oral testimony and did not know the date the registered mail was sent. The Landlords had not submitted documentary evidence in support of this application.

### Analysis

To find in favour of an application I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights.

In this case the Landlord was not able to provide evidence to prove how or when each Tenant was served notice of this proceeding. Therefore, in the absence of the Tenants, I find there to be insufficient evidence to prove that the hearing documents have been

served in accordance with the *Act*. Accordingly, I dismiss the Landlords' application with leave to reapply.

Conclusion

The Landlord's application is dismissed, with leave to reapply.

This dismissal does not extend any time limits set out in the *Residential Tenancy Act*.

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: February 28, 2013

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Residential Tenancy Branch

