



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction:

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the fee for filing an 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 keep all or part of the security deposit?

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 April 09, 2013. The Landlord submitted no documentation to corroborate that testimony nor was he able to provide a Canada Post tracking number to corroborate that testimony.

Analysis

I find that the Landlord has provided insufficient evidence to show that the Tenant was properly served with Notice of the Hearing. In making this determination I was heavily influenced by the absence of any evidence, such as a Canada Post receipt or a tracking number, which corroborates the testimony that the Tenant was served by registered mail.

Conclusion

As the Landlord has not established that the Tenant was served with notice of this hearing, I dismiss the Landlord's 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*.

Dated: May 02, 2013

Residential Tenancy Branch