



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MND, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord, filed on February 25, 2013, in which the applicant was requesting a monetary order against the tenant seeking a monetary order for damages and loss.

Only the applicant landlord appeared.

Preliminary Matter

The landlord testified that he served the tenant with the Notice of hearing by registered mail. No proof of service was submitted into evidence and the landlord was not able to provide the parcel tracking number from Canada Post.

Section 89 of the Act states that an application for dispute resolution must be given to one party by another, in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

In this instance, I find that the applicant landlord was not able to prove when and how the other party, who was not at the hearing, had been served.

Based on the above, I find that this matter cannot proceed because of insufficient proof that the tenant was properly served with the Notice of Hearing in accordance with the Act.

Therefore I dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application is dismissed with leave as the matter could not proceed due to insufficient proof that the respondent was properly served in accordance with the 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: May 21, 2013

Residential Tenancy Branch