



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession for the rental unit due to unpaid rent, monetary order for unpaid rent, and for recovery of the filing fee.

The landlord's agent appeared; the tenant did not appear.

The landlord's agent testified that the tenant was served with their application for dispute resolution and notice of this hearing by registered mail. As the landlord failed to provide documentary evidence, such as the registered mail receipt or tracking history, I asked the landlord to verbally provide to provide the tracking number; however, the landlord could not.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) in person, by registered mail to the address at which the person resides, or if a tenant, by registered mail to the forwarding address provided by the tenant.

Residential Tenancy Branch Rules of Procedure (Rules) 3.3 states:

If the respondent does not attend the dispute resolution proceeding, the applicant (the landlord in this case) must prove to the arbitrator that each respondent was served as required under the Act.

In the case before me I find that the landlord failed to provide sufficient evidence that the tenant was served the notice of this hearing in a manner as required under section

89 of the Act as the landlord could not provide the basic information proving service by registered mail.

Conclusion

I hereby dismiss the landlord's application, with leave to reapply, due to the landlord's failure to prove service of their application for dispute resolution and Notice of Hearing.

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: July 16, 2013

Residential Tenancy Branch