



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF, O

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for possession – Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72; and
4. Other

The Landlord states that the Tenant was served with the application on the same day that the application was made. The Landlord states that he is not sure of the exact date that the Tenant was served with the application and did not write it down but that he served the application to the Tenant personally at the address of the Tenant's newly purchased house. The Landlord states that he believes the application was served on June 14, 2013 the date the application was made. It is noted that although the Landlord made the application on June 14, 2013, it was not made available to the Landlord for service until June 17, 2013. The Landlord also states that they did not know that the Tenant moved out of the unit until sometime in August 2013. It is noted that the application indicates that as of June 14, 2013 the Tenant no longer resided at the dispute address as the application states that “the tenant signed a one year lease but left before the year was up”.

The Parties have provided contradictory evidence and it is noted that their memory is faulty. Given the contradictions and memory problems, I find that the evidence in relation to the service of the application is not reliable and I therefore dismiss the

application with leave to reapply. The Landlord is strongly encouraged to ensure that the details of service of any future application are recorded for later provision of evidence.

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: September 23, 2013

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Residential Tenancy Branch

