



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant, filed on December 5, 2013, in which the applicant was requesting a monetary order against the landlord as well as orders to comply with the Act, make repairs, provide services and facilities and to restrict the landlord's access..

Only the applicant tenant appeared.

Preliminary Matter

The tenant testified that they were not able to serve the landlord with the Notice of hearing in person or by registered mail. No proof of service was submitted into evidence and the tenant was not able to provide any tracking numbers 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 tenant was not able to provide sufficient evidence that would prove that the other party, who was not at the hearing, had been served.

Based on the above, I find that this matter cannot proceed because the tenant was not able to service of the Notice of Hearing in accordance with the Act.

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

Conclusion

The tenant'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: January 27, 2014

Residential Tenancy Branch

