



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for loss of rent; and, authorization to retain the security deposit. The tenant did not appear at the hearing. The landlords were represented by the female landlord.

The female landlord was unable to provide proof of service of the hearing documents, explaining that the male landlord had this information and was unable to participate in the hearing due to work obligations. I provided the landlord an opportunity to contact the male landlord and obtain the registered mail particulars, including the tracking number and date of mailing. The landlord was unsuccessful in obtaining this information.

Residential Tenancy Policy Guideline 12: *Service Provisions* provides information about requirements for serving documents upon another party. It provides that where a respondent to a dispute resolution proceeding does not appear at a scheduled hearing, the applicant must be prepared to prove service under oath. Proof of service by registered mail should include the original receipt given by the post office, including the tracking number, and should include the date of service, the address of service, and that the address of service was the person's service address or residence at the time of service. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply.

In this case, I have dismissed the landlord's Application for Dispute Resolution with leave to reapply within the time limits provided under 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: February 14, 2014

Residential Tenancy Branch

