



# 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 an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent and a monetary order for rental arrears.

The landlord was represented at the hearing, but the tenant did not appear.

### **Preliminary Matter**

The landlord's representative was not able to prove when and how the tenant was served with the Notice of hearing and no proof of service of the hearing package was submitted into evidence.

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's agent was not able to provide sufficient evidence to prove when and how the tenant, who was not at the hearing, had been served.

Based on the above, I find 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: March 19, 2014

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Residential Tenancy Branch

