



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MND, MNR, MNSD

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for damage or loss under the Act, compensation for unpaid rent, and to retain the security deposit.

The landlord provided affirmed testimony that his agent personally served the tenant with the Notice of hearing and hearing documents. The agent was not available to provide testimony in relation to service and a sworn statement, outlining the details of service, was not submitted as evidence.

Residential Tenancy Branch policy suggests that when a respondent does not appear at a hearing, the applicant must be prepared to prove service under oath. The person who actually served the documents must either be available as a witness in the hearing to prove service or provide a signed statement with the details of how the documents were served. Proof of service personally should include the date and time of service, the location of the person when served, and the name of the person served.

Therefore; in the absence of evidence from the person who served the documents I find that the application must be dismissed with leave to reapply within the legislated time-frame.

Conclusion

The application is dismissed with leave to reapply within the legislated time-frame.

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: May 02, 2014

Residential Tenancy Branch

