



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord, filed on January 10, 2014, in which the applicant was seeking a monetary order against the tenant for damages and loss.

Only a representative of the applicant landlord appeared at the hearing.

Preliminary Matter

The landlord's representative was not able to provide details of service with respect to serving the hearing package on the tenant. No proof of service was submitted into evidence by the landlord.

Section 89 of the Act states that an application for dispute resolution must be given to the respondent by the applicant, in one of the following ways:

- (1) by leaving a copy with the person;
- (2) by sending a copy by registered mail to the address at which the person resides;

In this instance, I find that the applicant landlord was not able to provide sufficient evidence to prove when and how the tenant, who did not attend the hearing, had been served.

Therefore, I find that 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 hereby 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: April 24, 2014

Residential Tenancy Branch

