



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent and utilities, pursuant to section 55;
- a monetary order for unpaid rent and utilities, pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

The tenant did not attend this hearing, although it lasted approximately 16 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that he served the tenant with the landlord's application for dispute resolution hearing package ("Application") on January 28, 2015, by way of registered mail. The landlord provided a Canada Post tracking number orally during the hearing, to confirm this service. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's Application on February 2, 2015, five days after its registered mailing.

### Preliminary Issue – Application Evidence

The landlord applied for an order of possession and a monetary order in the amount of \$11,733.24 for unpaid rent and utilities. The landlord did not provide any written evidence to support his Application. The landlord confirmed that he attempted to serve written evidence to the Residential Tenancy Branch ("RTB") by way of facsimile on February 10, 2015 and then by way of email on February 11, 2015. The landlord stated that his facsimile was not sent successfully and that his email was rejected by the RTB.

In the absence of the tenant's attendance at the hearing and any written evidence from the landlord, including a 10 Day Notice, a tenancy agreement, any utility bills or a rent ledger, I advised the landlord that I could not consider his Application. I notified the landlord that his Application was dismissed with leave to reapply and that he is required to file a new application for dispute resolution if he intends to pursue this matter further.

### Conclusion

The landlord's entire Application is dismissed with leave to reapply.

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 17, 2015

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Residential Tenancy Branch