



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MMD, MNR, FF

Introduction and Preliminary Matter

This hearing convened as a result of a Landlord's Application for Dispute Resolution wherein she sought a Monetary Order for unpaid rent, damage to the rental unit and to recover the filing fee.

Only the Landlord appeared at the hearing. She gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified she served the Tenant with the Notice of Hearing and her Application on September 17, 2014 by registered mail. When I asked the address to which she sent the registered mail, she provided a house number which was inconsistent with the address on the Application for Dispute Resolution. When I asked her to explain the discrepancy, she simply responded that she sent the registered mail to the address where she believes the Tenant receives his mail. As the hearing progressed she confirmed the Tenant had moved from the rental unit and stated that she now believes he lives in a different community and that she has no idea where he lives.

The principals of natural justice dictate that a party against whom an Order may be made should be given notice of the proceedings and an opportunity to be heard. As the Landlord failed to prove that she served the Tenant was served, I advised the Landlord I was not prepared to hear her application.

When I advised the Landlord I was dismissing her application with leave to reapply, she became combative and used inappropriate language. The Landlord was cautioned that her behaviour and language was inappropriate and that should she reapply she needed to follow the *Residential Tenancy Branch Rules of Procedure*.

On another note, the Landlord indicated this was a “family matter” involving her husband’s cousin. She could not provide any details as to when the tenancy began, nor could she confirm the monthly rent payable. Although I dismissed her application with leave to reapply, it is unclear to me whether I would have had jurisdiction based on the information provided by the Landlord.

Conclusion

The Landlord failed to prove she served the Tenant. Her 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: April 09, 2015

Residential Tenancy Branch

