



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Native Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, MNSD, FF

### Introduction

The landlord applies for an order of possession pursuant to and alleged one month Notice to End Tenancy for cause and for a monetary award for unpaid rent.

The tenant did not attend the hearing.

### Issue(s) to be Decided

Has the tenant been served? If so then is the landlord entitled to the relief requested?

### Background and Evidence

According to Mr. S. for the landlord, the rental unit is a one bedroom apartment. The tenancy started in February 2014. The monthly rent is \$434.00 and the landlord holds a \$342.50 security deposit.

The landlord's representatives indicate that the application and notice of hearing documents were served on the tenant by a Ms. D.P. in the presence of a Mr. G.J.. Neither attended the hearing to confirm service. Neither were reachable during the hearing and no certificate of service or similar document was tendered as evidence.

Additionally, no copy of the alleged Notice to End Tenancy appears to have been filed in this matter as required by Rule 2.5 of the Rules of Procedure. The landlord's representatives indicate that the Notice had been sent to the Residential Tenancy Branch by registered mail for inclusion in this file by they were unable to provide any registered mail particulars, such as a tracking number.

### Analysis

The landlord has not proved service of the originating documents on the tenant. The ending of a tenancy and the ordering of payment of money are serious matters and second hand or “hearsay” evidence on the fundamental issue of service is not sufficient.

Conclusion

The landlord’s application is dismissed with leave to re-apply.

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: June 11, 2015

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Residential Tenancy Branch

