



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WARRINGTON PCI MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNDC, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for: a monetary order for unpaid rent, damage or loss as a result of this tenancy pursuant to section 67; and authorization to recover the filing fee for this application from the tenant pursuant to section 72. The landlord had originally applied for an Order of Possession for unpaid rent but withdrew this portion of the application as the tenant had vacated the residence.

The landlord attended this hearing and was given an opportunity to make submissions with respect to the application. The landlord testified that she was unable to locate the information to provide at this hearing with respect to service of the Application for Dispute Resolution to the tenant. She testified that she believes the application was served via registered mail however she was unable to provide any details or tracking information with respect to the mailing. The landlord was also unable to confirm the date of service. This date of service was essential to proving that the tenant had been sufficiently served, given the date that he vacated the rental unit.

The Residential Tenancy Branch Rules of Procedure provides as follows:

### **3.5 Proof of service required at the dispute resolution hearing**

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the Arbitrator that each respondent was served with the hearing package and all evidence, as required by the *Act*.

I do not find that the tenant was able to demonstrate service of the Application for Dispute Resolution to my satisfaction. The service of documents to the respondent in an application for a monetary award is an integral part of the dispute resolution process. It is imperative that the respondent know the case against them and that the applicant make sufficient efforts to ensure the respondent has received all materials for a dispute resolution hearing and, particularly, notice of the hearing itself.

Rule 10.1 of the Rules of Procedure states:

**10.1 Commencement of the hearing**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence to confirm service of documents to the tenant respondent and given the non-attendance of the tenant, I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: July 13, 2015

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Residential Tenancy Branch

