



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This is a review hearing granted for the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;

The landlord attended the hearing by conference call and gave undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on August 5, 2015. The landlord provided a copy of the Customer Receipt Tracking number as confirmation of service and that no further communication has been made with the tenant since the application was filed. The landlord is not sure if the notice of hearing package was received by the tenant. With permission of the landlord, an online search of the Canada Post website confirmed that the package was sent on August 5, 2015, but that the package was undeliverable. The Canada Post website noted on August 7, 2015,

Recipient not located at address provided. Item being returned to sender

It was also noted on the website on August 17, 2015,

Item arrived at the Undeliverable Mail Office. Please contact Cust Service

The landlord was unable to provide an explanation as this was the first time she has viewed the website.

On the basis of this evidence, I am not satisfied that the tenant was properly served with the dispute resolution package pursuant to sections 89 of the Act. The landlord's application is dismissed with leave to reapply. Leave 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: September 30, 2015

Residential Tenancy Branch

