



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NEW ORLEANS COURT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR MNDC MNR MNSD 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;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend. The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord provided oral testimony that she served the landlord's Application for Dispute Resolution hearing package by registered mail. However, the landlord provided no supporting documentary evidence of the registered mail service. The landlord did not submit as evidence a copy of the 10 Day Notice to End Tenancy ("10 Day Notice") with respect to her application for an Order of Possession.

According to Residential Tenancy Policy Guideline No. 12,

Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and that the address of service was the person's residence at the time of service ...

Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply...

The landlord has not provided evidence that satisfies me that she has sufficiently served either the 10 Day Notice or the Application for Dispute Resolution to the address where the tenant resided at the time of his registered mailing.

I find that the landlord has not proven that the tenant has been served with this Application for Dispute Resolution. As a result of this lack of service, I dismiss the landlord's application for a monetary order with leave to reapply.

As the landlord has not been successful in this application, I find that she is not entitled to recover the filing fee in this matter.

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: December 07, 2015

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Residential Tenancy Branch

