



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession and a Monetary Order for unpaid rent. The tenant did not appear at the hearing. The landlord testified that the hearing package and evidence were sent to the tenant on November 2, 2015 at the rental unit address. The landlord testified that the tenant continues to occupy the rental unit but that the registered mail was returned as unclaimed. The landlord orally provided the registered mail tracking number as proof of service. Section 90 of the Act deems a person to have received documents five days after mailing, even if the person refuses to accept or pick up their mail. Accordingly, I found the tenant to be deemed served with the hearing documents and I continued to hear from the landlord without the tenant present.

I noted that there were no supporting documents in the file before me. The landlord stated that the supporting documents were sent to the Residential Tenancy Branch (RTB) by way of facsimile transmission on November 2, 2015. I requested the landlord re-submit the same evidence package, along with a fax confirmation to show the evidence had been faxed to the RTB previously, and I provided the landlord with my fax number. The landlord indicated that she would fax the documentation upon returning to her office.

I continued to hear oral submissions from the landlord with the caution that I would verify the landlord's oral submissions with the documentation that was to follow by way of facsimile. As of the end of this date, the requested documentation has not been received from the landlord. In the absence of the requested documentation I find I cannot verify the landlord's oral submissions and I decline to grant the landlord remedies based upon oral submissions only. I dismiss the landlord's application 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: January 5, 2016

Residential Tenancy Branch

