



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNDC, FF

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing by conference call and gave affirmed testimony. The tenant confirmed receipt of the landlord's documentary evidence. The landlord stated that she did not receive the tenant's documentary package. The tenant stated that the documentary evidence was sent to the landlord via Canada Post Registered Mail on October 30, 2015 and has provided an Xpresspost tracking number as confirmation. The landlord was adamant that no package was received. The tenant clarified that this was an Xpresspost delivery with a signature requirement for receiving the package. Both parties consented to the Arbitrator viewing the online tracking information for the tracking number submitted by the tenant. The online search showed a package received on November 2, 2015 by M.H. Neither party was able to identify this person. I find that as the tenant's documentary evidence was received late by the Residential Tenancy Branch; the landlord was adamant that no documentary evidence was received; and that the online search of the tracking information was inconclusive that the tenant has failed to provide sufficient evidence of service. The tenant's documentary evidence was excluded for lack of proper service.

During the hearing the landlord provided a new mailing address. Both parties were notified that the landlord's filed application would be updated with the landlord's new mailing address.

The hearing was adjourned due to a lack of time. Both parties were cautioned that no further evidence would be accepted and that neither party was to submit anything further.

On January 26, 2016 the conference call hearing at 9:00 a.m. was reconvened. Both parties failed to attend the hearing by way of conference call. I waited until 20 minutes

past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

**7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

**7.2 Delay in the start of a hearing**

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

**7.3 Consequences of not attending the hearing**

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

**7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from either party and in the absence of both parties participation in this hearing, I order the application dismissed with leave to reapply. I make no findings on the merits of the matter. 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: January 28, 2016

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Residential Tenancy Branch

