



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession and Monetary Order for unpaid rent and utilities. The tenant did not appear at the hearing. The landlord testified that the tenant moved out of the rental unit at the end of October 31, 2015 and confirmed that the only issue to resolve is the landlord's monetary claim against the tenant. The landlord stated that he notified the tenant of this proceeding by emailing her on December 19, 2015. I was not provided any documentary evidence with respect to email communication between the parties.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove that the respondent was served in a manner that complies with the Act.

Section 59 of the Act provides that an Application must be served upon the other party within three days of filing. In this case, the application was filed November 13, 2015. Section 89 of the Act provides for the ways an Application for Dispute Resolution must be served upon the other party. A monetary claim must be served either in person, by registered mail, or as authorized/ordered by the Director. The landlord did not seek a Substituted Service Order that would provide the Director's authorization or order to serve the tenant in another way. Accordingly, the landlord was required to serve the tenant either in person or by sending registered mail to the tenant by November 16, 2015. The landlord did not meet this obligation and I declined to continue to hear this matter.

The landlord's application was dismissed with leave to reapply within the statutory time limits provided under the Act.

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 12, 2016

Residential Tenancy Branch

