



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNDC, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for damages - Section 67;
3. A Monetary Order for compensation for loss - Section 67;
4. An Order to recover the filing fee for this application - Section 72.

The Landlord appeared at the hearing at the scheduled time of 1:00. The Landlord stated that it sent the application by registered mail to the Tenant but was unable to state when it was sent. The Landlord states that an evidence package with supporting documents was also sent to both the Tenant and the Residential Tenancy Branch each by registered mail. The Landlord did not state when this was sent. It is noted that no evidence package was provided for this hearing. The Landlord does not have current access to any documentary materials including any receipts for registered mail service as the Landlord is in Mexico. The Landlord was having a difficult time understanding and responding to the proceedings and after 12 minutes the Tenant still had not appeared.

Under the heading, “Starting proceedings”, section 59 of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it. As the Tenant did not appear at the hearing, as the Landlord was unable to provide evidence of when the application was given to the Tenant, and considering that evidence of service of an evidence package by

registered mail to the RTB does not seem credible, I find that the Landlord has provided insufficient evidence of service of the application for dispute resolution. I therefore dismiss the 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: March 14, 2016

Residential Tenancy Branch