



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OLC, MNSD, MNDC, MNR, FF, O

Introduction

This hearing was scheduled to deal with the tenant's application for a Monetary Order for return of double the security deposit and compensation for painting and repairs. The landlord did not appear at the hearing. The tenant testified that he sent the hearing package to the landlord via registered mail. The tenant was unable to locate his registered mail receipt during the hearing and could not provide me with the tracking number. I proceeded to hear the matter but with the condition that the tenant provide the registered mail receipt to me after the hearing.

After the hearing the tenant produced a receipt issued by Canada Post on January 13, 2016 for a product that cost \$1.20 and appears to say "US Stamps" even though the landlord's service address is in Canada. I find that the receipt is not consistent with registered mail and a search of the "receipt number" that appears at the bottom of the receipt does not yield any results for registered mail.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove the respondent was served in a manner that complies with the Act. Where a party makes a monetary claim against the other, section 89(1) of the Act provides that the application must be given to the respondent personally or by registered mail. Failure to prove service may result in the application being dismissed, with or without leave.

Based upon the evidence presented to me, I am unsatisfied that the tenant sent the Application to the landlord via registered mail as he claimed. Therefore, I am unsatisfied that the tenant sent the Application to the landlord in a manner that complies with the Act and I dismiss this application with leave to reapply. I note that this does not extend any applicable 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: September 01, 2016

Residential Tenancy Branch