



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BERLEY MANAGEMENT INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This matter dealt with an application by the Tenants for compensation for damage or loss under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the “hearing package”) by registered mail but the Tenant did not have the tracking information available at the hearing. The Tenant said the tracking information was at home but the postal web site showed the Landlord had signed for the package.

Based on the testimony of the Tenant, I find that the Tenant has not proven service of the hearing package to the Landlord as required by s. 89 of the Act. Further as the Landlord did not attend the hearing it was not possible to determine if the Landlord received the hearing package. Consequently, service of the hearing documents is not proven; therefore I dismiss the Tenants’ application due to lack of proof that the hearing documents were served to the Landlord.

The Tenants’ application is dismissed 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: September 13, 2016

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Residential Tenancy Branch

