



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding INTRA-PACIFIC BUILDINGS LTD.

[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent. It also seeks a monetary award for unpaid rent.

The tenant did not attend the hearing within fifteen minutes after its scheduled start time. The landlord's representative Mr. C. reports that the tenant still occupies the rental unit and has now paid all rent due. He indicates the landlord seeks an order of possession pursuant to the Notice and recovery of the filing fee for this application.

During the hearing the landlord was unable to prove purported registered mail service of the application on the tenant by providing a tracking number. Shortly after the hearing the landlord provided the tracking number (shown on cover page of this decision). Canada Post records for that tracking number show that the mail was sent October 17, 2016, redirected by the post office to the recipient's new address, then returned to the landlord November 7 as "unclaimed by recipient."

I find that this information does not corroborate service of the application and notice of hearing on the tenant. The mail was sent well before this application was made on October 31, 2016 and so I conclude that the tracking number does not relate to this proceeding. Additionally, the landlord has not filed a copy of the ten day Notice, as required by Rule 2.5 of the Rules of Procedure.

In these circumstances I must decline to award either an order of possession or recovery of the filing fee.

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: December 15, 2016

Residential Tenancy Branch