



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

OPB, CNC

### Introduction

This hearing was convened in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession.

The Landlord stated that his Application for Dispute Resolution and the Notice of Hearing were sent to the Tenant, via registered mail, although he cannot recall the date of service. He stated that he did not submit a copy of the Canada Post receipt. He was unable to cite a Canada Post tracking number because he did not have the Canada Post receipt with him at the time of the hearing.

In my view the best evidence to prove service by registered mail is a copy of the Canada Post receipt although in some circumstances I find being able to cite a Canada Post tracking number is sufficient. In these circumstances the Landlord did not provide either method of proof and I find that the Landlord has submitted insufficient evidence to establish that documentation that the Application for Dispute Resolution was served to the Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*.

As the Landlord has failed to establish the Application for Dispute Resolution was served in accordance with section 89 of the *Act*, I dismiss the Landlord's Application for Dispute Resolution, with leave to reapply.

The Tenant filed an Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

The Landlord stated that he received the Tenant's Application for Dispute Resolution, the Notice of Hearing and evidence by registered mail. As the Landlord acknowledged receipt of the Tenant's Application for Dispute Resolution, I find it reasonable to proceed with the hearing as it relates to the Tenant's Application.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause be set aside?

Background and Evidence

The Tenant did not attend the hearing in support of her Application for Dispute Resolution.

The Tenant submitted a copy of the One Month Notice to End Tenancy for Cause that is the subject of this dispute.

Analysis

Section 55(1) of the *Residential Tenancy Act (Act)* stipulates that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, I must grant to the landlord an Order of Possession if the Notice to End Tenancy complies with section 52 of the *Act* and if, during the dispute resolution proceeding, I dismiss the tenant's Application or uphold the landlord's Notice to End Tenancy.

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I dismiss the Application without leave to reapply. I have viewed the Ten Day Notice to End Tenancy submitted in evidence by the Tenant and am satisfied that it complies with section 52 of the *Act*. I therefore must grant the Landlord an Order of Possession.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: August 02, 2017

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Residential Tenancy Branch