



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, OPT

Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$11,000
- b. A tenant's Order of Possession
- c. An order to recover the cost of the filing fee.

The respondent failed to contact the telephone bridge number at the appointed time for the hearing. The applicant was present and ready to proceed. I waited 10 minutes after the scheduled start of the hearing and then proceeded with the hearing.

The applicant testified that he attempted to serve the Application for Dispute Resolution/Notice of Hearing by mailing, by registered mail to where the respondent resides. He testified the documents were returned with the notation "unclaimed." .

However, the applicant failed to produce a copy of the registered mail receipt. He did not have a copy of that receipt with him at the hearing and was not able to provide the tracking number.

Policy Guideline #12 includes the following:

15. PROOF OF SERVICE

Where the respondent does not appear at a dispute resolution hearing, the applicant must be prepared to prove service of the notice of hearing package. Proof of service of other documents may be submitted in support of claims for dispute resolution in accordance with the Rules of Procedure.

Where proof of service is required, the person who actually served the documents must either:

- be available as a witness in the hearing to prove service, or
- provide a signed statement with the details of how the documents were served.

Proof of service personally should include the date and time of service, the location where service occurred, description of what was served, the name of the person who was served, and the name of the person who served the documents.

Proof of service by Registered Mail should include the original Canada Post Registered Mail receipt containing the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord at the time of service as well as a copy of the printed tracking report.

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Failure to prove service may result in the matter being dismissed, with or without leave to reapply. Adjournments to prove service are given only in unusual circumstances.

I determined the applicant failed to prove that he has sufficiently served the respondent in accordance with the Residential Tenancy Act.

Accordingly, **I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: August 15, 2017

Residential Tenancy Branch