



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, for compensation for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said she filed the application on July 7, 2017 and she served the Tenant the hearing package in person on July 3, 2017. The Landlord realized her mistake and said that was the date she served the 10 Day Notice to End Tenancy for unpaid rent. When the Landlord was asked about when the Notice of Hearing and Hearing Package was served to the Tenant the Landlord was confused and at first thought she served it in person and then she remembered she served it by registered mail. The Landlord could not remember what day she mailed the Hearing Package to the Tenant and the Landlord could not find the postal receipt or postal tracking information. The Landlord apologized for not having the information at hand.

Based on the testimony and lack of evidence provided by the Landlord, I find that the Landlord has not proven the Notice of Hearing and Hearing Package was served to the Tenant as required by the Residential Tenancy Act. Further as the Tenant did not appear at the hearing it is unknown if the Tenant received the Hearing Package. I find there is a lack of proof to establish whether the Tenant was served the Notice of Hearing and Hearing Package. Consequently, I dismiss the Landlord's application due to lack of evidence to prove service of the Application and Notice of Hearing (the "Hearing package").

Conclusion

The Landlord's 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 26, 2017

Residential Tenancy Branch