



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPR MNR FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:20 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlord's representative attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

Preliminary Issue: Service of Landlord's Application and 10 Day Notice to End Tenancy

The landlord's representative testified that a security guard working in the hotel served the application for dispute resolution package to the tenant in person. The landlord did not present this security guard to testify as a witness in the hearing or provide by signed proof of service statement detailing how the application was served. Similarly, the landlord's representative testified the 10 Day Notice was also served to the tenant in person by another worker in the hotel. The landlord failed to present this witness or provide a signed proof of service statement for the 10 Day Notice.

I find the landlord has provided insufficient evidence that the tenant has been served with the landlord's application for dispute resolution as well as the 10 Day Notice.

Conclusion

I dismiss the landlord's application 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: November 02, 2017

Residential Tenancy Branch