



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNR, CNC, FF, LRE, MNDC OLC, PSF, RP, RR

### **Introduction**

The Application for Dispute Resolution and the Amended Application(s) for Dispute Resolution filed by the Tenant seeks the following:

- a. An order that the landlord provide services or facilities required by the tenancy agreement or law
- b. An order that the landlord comply with the Act, regulations and/or tenancy agreement
- c. An order to suspend or set conditions on the landlord's right to enter the rental unit.
- d. An order for a monetary order in the sum of \$2000
- e. An order disputing a one month Notice to End Tenancy
- f. A tenant's Order of Possession
- g. An order that the landlord allow access to the unit for the tenant and/or his guests
- h. An order to recover the cost of the filing fee?

The landlord(s) failed to appear at the scheduled start of the hearing which was 1:00 p.m. on May 9, 2018. The tenant applicant was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

The tenant testified he served the landlord(s) with the Application for Dispute Resolution and the Amended Application for Dispute Resolution by mailing, by priority mail to where the landlords reside. However, he failed to provide a copy of the receipts. Further, he did not have the receipts with him at the time of the hearing and could not provide the tracking numbers.

Policy Guideline #12 provides as follows:

#### “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.

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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.”

#### Analysis:

I determined the tenant failed to prove he has served each of the landlords in accordance with the Residential Tenancy Act as he failed to provide the Canada Post Registered Mail receipt as required by the Policy Guidelines. I have not decided the tenant's claim on the merits. As a result I ordered that the application of the tenant be dismissed with liberty to re-apply.

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: May 09, 2018

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Residential Tenancy Branch