



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: DRI, FFT

Introduction

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

- a. Reimbursement of rent increase paid that was not permitted by the Residential Tenancy Act.
- b. An order to recover the cost of the filing fee.

The landlord failed to appear at the scheduled start of the hearing which was 1:30 p.m. on September 13, 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 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.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

The applicant testified that he served the Application for Dispute Resolution by registered mail. However, he was not able to state the date he mailed it and he was not able to provide the tracking number at the oral hearing. The registered mail receipt containing the tracking numbers was not uploaded to the website.

Policy Guideline #12 includes the following:

“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** (bolding is the arbitrator's emphasis).

....

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 served the Application for Dispute Resolution on the landlord. As a result I ordered that the application be dismissed with liberty to re-apply. 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: September 13, 2018

Residential Tenancy Branch