



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC MNR OPR FF

This hearing dealt with the Landlord's Application for Dispute Resolution, made on December 14, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act*:

- a monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent;
- an order of possession; and
- an order granting recovery of the filing fee.

The Landlord attended the hearing and was assisted by M.T. Both the Landlord and M.T. provided a solemn affirmation. The Tenants did not attend the hearing.

During the hearing, several issues with the Application were discussed with the Landlord and M.T. In particular, it was noted that the Landlord did not submit documentary evidence in support of the relief claimed, including proof of service of the Application package and a notice to end tenancy for unpaid rent or utilities.

Procedural fairness requires that a party against whom a claim is made be given an opportunity to meaningfully consider and respond to the claim. I find there is insufficient evidence before me to confirm service of the Application package on the Tenants. As a result, I was not prepared to proceed. In the circumstances, I find it appropriate to 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: January 24, 2019

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Residential Tenancy Branch