



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNDC, MNSD, FFL

Introduction

On January 31, 2019, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") for a monetary order for money owed or compensation for damage or loss; for a monetary order for unpaid rent or utilities; for a monetary order for damage; to keep the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Landlord attended the teleconference hearing; however, the Tenants did not. The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary and Procedural Matters

The Landlord testified that the Tenants moved out of the rental unit on January 27, 2019. The Landlord testified that she does not know the new address of the Tenants; however, her husband tracked down the male Tenant and served him with the hearing documents in person on February 6, 2019.

The Landlord did not provide a proof of service document providing the details of service and signed by the person who served the documents. The Landlord testified that her husband is not available to participate in the hearing to provide direct testimony regarding service of the documents.

Residential Tenancy branch Policy Guideline #12 Service Provisions provides the following information:

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.

Where proof of service is required, the person who actually served the documents must either:

- be available as a witness in the hearing to prove service, or*
- provide a signed statement with the details of how the documents were served.*

Failure to prove service may result in the matter being dismissed, with or without leave to reapply.

I find that the Landlord provided insufficient evidence to prove that the Tenants were served with the Notice of Dispute Resolution Proceeding documents. The Tenants have the right to be provided with Notice of the claims against them and to have an opportunity to respond.

The hearing did not proceed.

The Landlord's application is dismissed with leave to reapply.

Conclusion

The Tenant's did not attend the hearing and the Landlord provided insufficient evidence to prove that the Tenants were served with the Notice of Dispute Resolution Proceeding documents.

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: May 16, 2019

Residential Tenancy Branch