Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   ET

Introduction

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

- an early end to this tenancy and an order of possession pursuant to section 56.

The hearing was conducted by conference call. The tenant did not attend this hearing.

Preliminary Issue: Service of Landlord's Application

The landlord testified that she served the application for dispute resolution package by sending a copy by registered mail to the tenant. The landlord was not able to provide a registered mail receipt or tracking number as proof of service. The landlord stated she is new in the position and was not aware of the significance of keeping the receipt. The landlord testified she has not been able to find the mail receipt. Rather, the landlord submitted a witnessed proof of service document stating the package had been sent by registered mail.

Expedited hearings are for serious matters and are scheduled on short time lines and on short notice to the respondent. While proof of service is crucial in every application, I find providing sufficient proof of service to be additionally crucial in such expedited application. In this case the landlord allegedly served the tenant by registered mail, the very point of which is to be able to prove service through a tracking system. Yet the landlord was not able to provide any mail receipt or tracking information.

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

Conclusion

I dismiss the landlord's application with leave to reapply. Leave 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: October 11, 2019

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Residential Tenancy Branch