



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding City of Vancouver  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC FF

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on May 7, 2020. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based on a One Month Notice to End Tenancy for Cause (the Notice)

The Landlord provided testimony at the hearing. The Tenant did not attend the hearing.

The Landlord testified that he sent the Notice of Hearing by registered mail on March 12, 2020. When asked if he had proof of service (tracking information) to support that he served the package by mail on March 12, 2020, the Landlord presented two different tracking numbers, neither of which were for this mailing. The two registered mail tracking numbers he provided at the hearing were for packages that were mailed on April 17, 2020. The Landlord did not have a clear explanation regarding why these tracking numbers did not support service on March 12, 2020 but he suggested these April 17, 2020, tracking numbers may have been for a different tenancy.

The Landlord stated that he would track down the one he had to show he served his Notice of Hearing on March 12, 2020. It was explained to the Landlord that he would be required to upload his proof of service (tracking information) to the dispute access site, after the hearing. The Landlord confirmed he would do this on the same day of the hearing, May 7, 2020. However, as of the date of writing this decision, May 8, 2020, no proof of service has been uploaded to demonstrate he served the Tenant with the Notice of Hearing. Given the lack of clarity regarding what was served, and when, I find

I am not satisfied the Landlord has sufficiently served the Tenant with the Notice of Hearing.

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

Further, I note the Landlord did not submit a copy of his Notice to End Tenancy. The Landlord may re-apply for an order of possession based on the Notice he gave to the Tenant on January 21, 2020, but he should provide a copy of the Notice for any future proceeding, should he want an order of possession. The Landlord may also be required to provide proof of service (for the Notice of Hearing or the Notice to End Tenancy), at any future hearing.

### Conclusion

The Landlord's application based on the Notice issued on January 21, 2020, 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 8, 2020

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Residential Tenancy Branch