



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WEST 71ST PROPERTIES LTD. C/O MACDONALD COMMERCIAL
R.E.S. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNRL-S, FFL

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for unpaid rent or utilities, to retain all or part of the security deposit, and to recover the fee for filing this Application for Dispute Resolution.

Issue(s) to be Decided

Is the Landlord entitled to a monetary Order for unpaid rent and to retain all or part of the security deposit?

Background and Evidence

The Agent for the Landlord stated that on September 29, 2020 the Dispute Resolution Package was sent to the Tenant, via registered mail. The Landlord did not submit a copy of any Post documentation that corroborates this testimony. The Agent for the Landlord was unable to cite a Canada Post tracking number to corroborate her testimony that the documents were mailed to the Tenant.

Analysis

I find that the Landlord has submitted insufficient evidence to establish that hearing documents were served to the Tenant. In the absence of evidence to corroborate the Agent for the Landlord's testimony that hearing documents were mailed to the Tenant, I find that this hearing should not proceed in the absence of the Tenant.

As the Landlord has not met the burden of proving service of hearing documents, the Application for Dispute Resolution is dismissed, with leave to reapply.

Conclusion

The Application for Dispute Resolution 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 *Act*.

Dated: January 15, 2021

Residential Tenancy Branch