



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPR, MNRL-S**

Introduction

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

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to retain the security deposit for this tenancy pursuant to section 38.

The tenant did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The landlord attended and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord was made aware of Residential Tenancy Rule of Procedure 6.11 prohibiting recording dispute resolution hearings and they testified that they were not making any recordings.

The landlord testified that they served the tenant with the notice of application and evidence by registered mail. The landlord provided no documentary evidence of service but gave one Canada Post tracking number orally at the hearing. The tracking information shows it is for something that was sent on March 8, 2021 prior to the present application being filed with the branch on March 19, 2021.

The landlord also made reference to a 10 Day Notice to End Tenancy for Unpaid Rent which they did not provide a copy into evidence nor provide documentary evidence to support that such a notice was served on the tenant in accordance with the *Act*.

Based on the evidence I am not satisfied that the landlord has served the tenant with their documentary materials in accordance with the *Act* or at all. I find the landlord's testimony to be insufficient to demonstrate that the tenant has been served and find that there is little persuasive documentary evidence in support of the landlord's submissions.

Under the circumstances I am not satisfied that the tenant has been properly served and consequently dismiss the landlord's application in its entirety with leave to reapply.

Conclusion

The landlord's application is dismissed in its entirety 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: July 5, 2021

Residential Tenancy Branch