



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFL, MNRL-S, OPR, MNDCL-S**

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent and damage to the property; and, authorization to retain the tenant's security deposit.

The landlord and his daughter, who was acting as the landlord's agent, appeared for the hearing. The tenant did not appear.

Since the tenant did not appear at the hearing, I explored service of the hearing materials upon the tenant.

The landlord's agent stated her father verbally told the tenant about the hearing approximately two months ago and the landlord's agent stated that was the only way the tenant was notified of the hearing. Then, the landlord stated he handed the hearing documents to the tenant approximately two months ago. I asked why there was such a delay between the date the hearing package was provided to the landlord's agent (June 18, 2021) and two months ago which would be early August 2021. The landlord's agent then changed her testimony to state the hearing documents were served in late June 2021, on June 29, 2021, and that her father gets confused since a car accident in December 2020. I asked the landlord's agent how she knows her father served the paperwork to the tenant in late June 2021 to which she stated she speaks to her father daily and she confirmed that with him.

I note that in the Residential Tenancy Branch records, is a record that on July 5, 2021 the landlord was in the Service BC office stating the Notice of Dispute Resolution Proceeding had not yet been received. On July 5, 2021 another copy of the email originally sent to the landlord's agent on June 18, 2021 was sent to the Service BC office for the Service BC agent to print and give to the landlord.

I continued to hear about service of the 10 Day Notice to End Tenancy for Unpaid Rent upon the tenant. The landlord's agent testified that the first 10 Day Notice served to the tenant was served on January 7, 2021 and the second 10 Day Notice served upon the tenant was served on February 8, 2021. The landlord's agent confirmed that no other 10 Day Notices were served upon the tenant. The 10 Day Notice that was provided as evidence for this proceeding by the landlord or his agent was signed on February 27, 2021 and in completing the Application for Dispute Resolution the landlord's agent submitted it was served on February 27, 2021.

Given the inconsistencies between the changing testimony of the landlord and the landlord's agent, compared to the Residential Tenancy Branch records and the 10 Day Notice submitted as evidence, I find the testimony of the landlord and/or his agent to be unreliable. Therefore, I find I am unsatisfied as to service of the proceeding package upon the tenant and I do not consider the application further. The landlord's 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 *Residential Tenancy Act*.

Dated: October 01, 2021

Residential Tenancy Branch