



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to deal with the tenant's application for cancellation of a One Month Notice to End Tenancy for Cause ("1 Month Notice").

One of the tenants appeared for the hearing. There was no appearance on part of the landlord.

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

The tenant testified that she served the landlord with the proceeding package via registered mail, although she did not know the date. I instructed the tenant to provide me with the registered mail tracking number as the tenant had not provided a copy of the registered mail receipt. The tenant indicated she did not have the registered mail receipt in front of her at that time. I asked the tenant where it was and she indicated that I may be in a pile of receipts. I instructed the tenant to retrieve the receipt from her pile of receipts or otherwise look for the receipt and provide me with the registered mail tracking number. The tenant left briefly and upon her return she stated that it was not there and that she also served the landlord in person. I asked the tenant if the parties had resolved their dispute to which the tenant stated they had not and the landlord was aware of this hearing. I made further enquiries about the service by registered mail and the tenant stated that the receipt was likely with other receipts she gave her accountant.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove the respondent was duly served in a manner that complies with the Act. I informed the tenant that the outcome of this proceeding would depend upon my satisfaction that the landlord was served with notification of this hearing and that it was critical that the tenant provided me with a copy of the registered mail receipt no later

than November 8, 2021. The tenant indicated she understood. I opened the Residential Tenancy Branch service portal up for additional uploads and the teleconference call was ended.

As of the date of writing this decision, the tenant has not uploaded a copy of the registered mail receipt or otherwise contacted the Residential Tenancy Branch to indicate she was sending it.

I find the tenant did not satisfy me that the landlord was duly served with notification of this proceeding. Despite the tenant's testimony that she did serve the landlord, the tenant was unable to provide specifics, such as a date of service; the tenant did not provide the registered mail receipt as I ordered; and, having heard the parties remain in dispute but there were no submissions of evidence by the landlord or any appearance on part of the landlord, I find the tenant's testimony alone to be unpersuasive. Therefore, I dismiss the tenant's application without leave to reapply.

Having been unsatisfied the tenants served the landlord; I have not reviewed any of the documentation or evidence provided with this Application for Dispute Resolution. As such, I am unable to verify whether a valid Notice to End Tenancy was served upon the tenants, as required under section 55(1) of the Act, and I do not provide an Order of Possession to the landlord with this decision.

If the landlord requires an Order of Possession, the landlord may make its own application for one.

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: November 09, 2021

Residential Tenancy Branch