



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **OPR-DR, MNRL, MNR-DR, MNDL, MNDCL, FFL**

Introduction

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act (“Act”) for orders as follows:

- for an order of possession pursuant to section 55 of the Act
- for a monetary order for unpaid rent pursuant to section 67 of the Act
- for a monetary order for damages pursuant to section 67 of the Act
- compensation for damage caused by the tenant, their pets or guests to the unit, site or property pursuant to section 67 of the Act
- for reimbursement of the filing fee pursuant to section 72 of the Act

Landlord DL appeared. The tenant did not appear.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The landlord testified that they served the dispute notice and materials on the tenant both by posting it to the rental unit door and by registered mail. The landlord however failed to provide proof of service in evidence. A dispute notice was provided to the landlord on February 7, 2023. The dispute notice contained the following instructions:

The applicant is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent.

It is important to have evidence to support your position with regards to the claim(s) listed on this application. For more information see the Residential

Tenancy Branch website on submitting evidence at www.gov.bc.ca/landlordtenant/submit.

Residential Tenancy Branch Rules of Procedure apply to the dispute resolution proceeding. View the Rules of Procedure at www.gov.bc.ca/landlordtenant/rules.

RTB Rules of Procedure Rule 3.5 states:

3.5 Proof of service required at the dispute resolution hearing

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

As the tenant was not in attendance and because I was not provided with evidence showing that the tenant was properly served with the dispute notice and materials, I find that the landlord has not satisfied the requirement to prove service.

The landlord's application is therefore dismissed with leave to reapply.

Conclusion

The application is dismissed.

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 23, 2023

Residential Tenancy Branch