



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order for damage to the unit, to keep all or part of the security deposit, money owed or compensation for loss and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by courier however delivery of the documents was not successful and the documents were returned to the landlord.

I found that the tenant had not been properly served with notice of the landlord's claim and the date and time of the hearing therefore the hearing did not proceed.

### Analysis

The landlord has not met the requirement for service of the hearing documents on the tenant. As the tenant was not made aware of the landlord's claim the tenant did not have the opportunity to participate in the conference call hearing and provide testimony.

Residential Tenancy Policy Guideline **12 Service Provisions** speaks to:

#### **13. PARTIES NOT SERVED**

*Where one or more parties on an application for arbitration has not been served, the arbitrator's Order will indicate this and will dismiss, or dismiss with leave to reapply, the application involving the party not served.*

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

The landlord is not entitled to recovery of the \$50.00 filing fee.

Conclusion

The landlord's application is dismissed with leave to reapply due to failure of service upon the tenant.

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: September 16, 2011.

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Residential Tenancy Branch