



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNSD, MNDC, FF, SS, O

### Introduction

This was a hearing with respect to the landlord's application for a monetary order. The hearing was conducted by conference call. The landlord called in to the conference, but the tenant did not call in and did not participate. The landlord's claim is for unpaid rent and damages. The tenancy ended on or about June 30, 2011. The landlord said that he commenced this proceeding after he received a telephone call from the tenant upon the expectation that he would meet the tenant and be able to personally serve her with the application and Notice of Hearing. The landlord was unable to meet the tenant to serve her with documents and he does not have any information about her current whereabouts. In the application for dispute resolution the landlord requested an order for substituted service, authorizing him to serve the tenant in a manner different from that required by the *Residential Tenancy Act*, but the landlord was not able to propose any form of substituted service whereby the tenant might be notified of this proceeding. At the hearing the landlord requested that the hearing be adjourned to give him an opportunity find and serve the tenant with the application and Notice of a new hearing date.

### Analysis and Conclusion

The Residential Tenancy Rules of Procedure provide for adjournments by consent of the parties and in circumstances where a party is unable to attend a hearing. There are other grounds that would permit a proceeding to be adjourned to a specific date, but there is no established practice for the adjournment of a proceeding because a party has not been served or cannot be located and there is no procedure whereby matters can be adjourned generally or adjourned *sine die*.

In the absence of proof that the respondent has been served with the application and Notice of Hearing, this application is dismissed. Because the two year period for making a claim with respect to this tenancy has passed, leave to reapply is not granted.

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: August 29, 2013

---

Residential Tenancy Branch

