



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TOP VISION REALTY INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD MNDC

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to retain the tenant's security deposit or pet damage deposit.

An agent for the landlord (the "agent") C.C. attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") were considered. The agent testified that "I believe it was sent by registered mail"; however, was unable to provide the registered mail tracking number or the date the registered mail was sent to the tenant.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of Hearing and Application. Without the mailing date and registered mail tracking number, or some other supporting documentary evidence, I am not satisfied that the tenant has been served with the Notice of Hearing and Application. Therefore, **I dismiss** the landlord's application **with leave to reapply** due to insufficient evidence of service on the tenant. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 10, 2014

Residential Tenancy Branch

