



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CANADIAN MENTAL HEALTH ASSOCIATION - SCB
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND MNR MNSD FF

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 damage to the unit, site or property, for unpaid rent or utilities, to keep all or part of the security deposit or pet damage deposit, and to recover the filing fee.

An agent for the landlord (the "agent") 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 was unable to confirm if the service address for the tenant was a current mailing address. The agent stated that to the best of her knowledge a forwarding address has not been provided by the tenant since the tenant vacated the rental unit.

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 confirmation that the tenant has provided a forwarding address to the landlord or that the tenant's mailing address is current, 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 30, 2014

Residential Tenancy Branch

