



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for a monetary order for damage to the unit, site or property; for unpaid rent or utilities; for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of the application.

The landlord attended the hearing and gave affirmed testimony however the tenant did not attend. The line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and the only participant who joined the call was the landlord. The landlord testified that the tenant was served with the Landlord's Application for Dispute Resolution and hearing package by registered mail on June 1, 2014 and orally provided a tracking number assigned by Canada Post.

The file shows that the landlord filed the application for dispute resolution on May 15, 2014, amended the application, and received a Notice of a Dispute Resolution Hearing to serve on the tenant on May 29, 2014. The landlord testified that the tenant vacated the rental unit on April 30, 2014, the landlord has not received a forwarding address from the tenant, and the landlord served the tenant by sending the documents by registered mail to the dispute address, being the last known address of the tenant.

The landlord also advised that evidentiary material was provided to the Branch however none has been included with the file. The landlord was permitted to send to me by facsimile a copy of the tenancy agreement and tenant ledger, however, to date, the landlord has not provided any evidentiary material.

In the circumstances, I am not satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*, and the landlord's application is hereby dismissed with leave to reapply.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed with leave to reapply.

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: October 8, 2014

Residential Tenancy Branch

