



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNSD, MNDC

### Introduction

This matter dealt with an application by the Landlord for compensation for damage to the unit, site or property, for unpaid rent, to retain the Tenant's security deposit and for loss of damage under the Act, regulations or tenancy agreement.

The Landlord said he filed the application on July 10, 2014 and the application was amended on July 21, 2014. The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail. The Tenant made a written submission in which he indicated that he received the Landlord's hearing package on July 25, 2014.

The Tenant submitted a letter on July 29, 2014 to the Residential Tenancy Branch indicating he received a package from the Landlord containing the Landlord's application, monetary work sheet and 4 hydro bills. The Tenant said there was no Notice of Hearing therefore he was not served as required by the Act.

It should be note as well the Landlord did not provide the Hydro bills in his evidence package nor did the Landlord supply any evidence to prove that he serviced the Tenant by registered mail.

Based on the evidence of the Tenant and inconsistencies in the Landlord's submission; I accept that the Tenant letter that states he was not served with the Notice of Hearing in the Landlord's hearing package as required by the Act. Service of the Notice of Hearing is required so that the respondent is notified when the hearing is and how to dial into the conference call. I accept the Tenant's submission that he was not service with the Notice of Hearing therefore the Tenant was not able to attend the Hearing. Consequently, I dismiss the Landlord's application with leave to reapply due to incorrect service of the Application and Notice of Hearing (the "Hearing package").

Conclusion

The Landlord's application is 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: January 06, 2015

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Residential Tenancy Branch

