



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNDC, FF

### Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for a Monetary Order for: damage to the rental unit; unpaid rent and utilities; money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”), regulation or tenancy agreement; and to recover the filing fee for the cost of making the Application from the Tenant.

The Landlord appeared for the hearing with an agent who also acted as the Landlord’s translator. Both parties provided affirmed testimony during the hearing as well as documentary and photographic evidence in advance of the hearing.

### Preliminary Issues

The Landlord’s agent testified that the Tenant abandoned the rental unit in April, 2014 without provided a forwarding address. As a result, the Landlord determined through a realtor that the Tenant had purchased a property in a nearby location. The Landlord’s agent explained that the Landlord attended the address of the property where she saw the Tenant. As a result, the Landlord registered mailed a copy of the Application and the Notice of Hearing documents to the Tenant at the address where she had been seen.

The Landlord did not provide a copy of the registered mail tracking number prior to the hearing but provided this in oral testimony during the hearing. However, the Canada Post website, which was checked during the hearing, indicated that the documents had been accepted but provided no indication that the documents had been attempted for delivery to the Tenant.

When a party makes an Application, pursuant to Section 59(3) of the *Residential Tenancy Act* (the “Act”), they must serve the respondent with a copy of the Application and put the party on notice of the hearing and provide them with any evidence the

applicant relies on to support their case. A respondent is entitled to appear for the hearing and know of the case against them.

In this case, I am not satisfied that the Tenant has been served with the Landlord's Application and that the Tenant had been put on notice of this hearing. Furthermore, I am also not satisfied that the Tenant was served to a location where she could have likely received the documents.

Therefore, I am unable to hear the Landlord's Application. However, I provide the Landlord with leave to re-apply if service on the Tenant can be satisfied in a subsequent hearing.

### Conclusion

In the absence of the Tenant appearing for the hearing, the Landlord has failed to provide sufficient evidence to show the Tenant was served with the required documents for this hearing. As a result, the Landlord's Application is dismissed with leave to re-apply.

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: March 03, 2015

---

Residential Tenancy Branch

