



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS, MNSD, MNDC, O, FF

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking a monetary order against the Landlord for return of rent, the return of the security deposit, for compensation under the Act or tenancy agreement, and to recover the filing fee for the Application.

Only the Advocate for the Tenant appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me. However, I note the Tenant provided no documentary evidence.

As the Landlord was not present for the hearing, service was the first issue to deal with.

The Advocate testified they sent the Landlord the Notice of Hearing and the Application by registered mail to the address of the rental unit on December 4, 2014. The Advocate testified that the mail was returned in March. The Advocate explained that the returned envelope was marked "address unknown". The Advocate testified that the Landlord had disappeared and so they sent the mail to the rental unit, although the Advocate knew the Landlord does not live at the rental unit.

The Advocate and Tenant had not provided any evidence of the registered mail, or other evidence that might indicate where the Landlord carries on business such as a property title search of the rental unit property from the land titles office indicating where the owner of the property lives.

I explained to the Advocate that the Landlord had not been properly served, since they were aware he does not live at the rental unit.

The Advocate suggested that the Residential Tenancy Branch should find the Landlord for the Tenant to serve. I explained that the Branch does not locate parties to disputes and that it is up to the applicant, here the Tenant, to locate the Landlord.

Conclusion

I find the Tenant has not proven service of the Notice of Hearing or the Application on the Landlord. The Tenant's Application is dismissed with leave to reapply.

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 Act.

Dated: July 09, 2015

Residential Tenancy Branch

