



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

This hearing was convened by way of conference call in response to the tenant's application for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; other issues and to recover the filing fee from the landlord for the cost of this application.

The tenant testified that she vacated the rental unit on February 28, 2014 and filed this application on February 26, 2016. The tenant has therefore filed her application just within the two year time frame allowed under s. 60(1) of the *Act*. The tenant also testified that she served the landlord the hearing documents by registered mail on February 29, 2018 to the landlord's boyfriend's room at the dispute address as the tenant does not believe the landlord was still living at that address and did not know of the landlord's whereabouts.

The landlord did not attend the conference call and the tenant was unable to provide any evidence to prove that the landlord received the hearing documents.

Procedural Matter

As I have insufficient evidence before me concerning service of the tenant's hearing documents upon the landlord I am unable to proceed today with the tenant's application. To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend

their rights. In this case the tenant is unable to demonstrate to my satisfaction that the landlord was served with the hearing documents in accordance with the section 89 of the *Act*. A tenant cannot serve another party on behalf of the landlord if the tenant does not know where the landlord has moved to without an Order to do so from the Residential Tenancy Branch. Consequently, the tenant's application is dismissed.

As the time for filing an application within the two year time frame has passed, I dismiss the tenant's application without 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: September 29, 2016

Residential Tenancy Branch