



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KENMARK INVESTMENTS LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MND MNSD MNDC FF

### Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for damage to the unit, site or property, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to retain the tenant's security deposit or pet damage deposit, and to recover the cost of the filing fee.

An agent for the landlord (the "agent") attended the hearing. The tenant did not attend the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") were considered. The agent testified that the Notice of Hearing and Application was served by registered mail to the address provided by the tenant as their written forwarding address. The agent was unable to provide a registered mail tracking number and a copy of the written forwarding address of the tenant referred to by the agent was not submitted in evidence.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and Application. I am not satisfied with the evidence presented that the tenant has been sufficiently served as required by the *Act*. Therefore, **I dismiss** the landlord's application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

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 *Residential Tenancy Act*.

Dated: April 13, 2017

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Residential Tenancy Branch