



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LOCKE PROPERTY MANAGEMENT LTD  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MND MNR MNSD MNDC FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking a monetary order for unpaid rent or utilities, for damage to the unit, site or property, to retain all or part of the tenants; security deposit and/or pet damage deposit, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

An agent for the landlord (the "agent") attended the teleconference hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), Application for Dispute Resolution (the "Application") and documentary evidence were considered. The agent testified that the tenants were unable to be served with the Notice of Hearing, Application and the documentary evidence as the tenants have not yet provided their forwarding address in writing to the landlord. In addition, the agent confirmed that the general delivery address used for mailing the Notice of Hearing and Application to the tenants was unsuccessful and that the documents were returned to the landlord.

Based on the above, and taking into account that the tenants did not attend the hearing, **I am not satisfied** that the tenants have been sufficiently served with the Notice of Hearing and Application under the *Act*. I have reached this decision based on the testimony of the agent which has been described above.

Both parties have a right to a fair hearing and the tenants would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, **I dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

I do not grant the landlord the recovery of the cost of the filing fee due to a service issue.

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: July 11, 2017

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Residential Tenancy Branch