



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking a monetary order for unpaid rent or utilities.

The landlord T.K. (the "landlord") 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 landlord testified that the tenants were served personally at the rental unit before they vacated the rental unit but could not recall the date. The landlord was given over 20 minutes to locate his records to assist him in recalling the date and time of the personal service on the tenants; however, the landlord was unsuccessful in locating his records during the hearing which lasted a total of 30 minutes.

Based on the above, and taking into account that the tenants did not attend the hearing, **I am not satisfied** that the tenants were sufficiently served with the Notice of Hearing and Application under the *Act*. I have reached this decision after considering the fact that the landlord was unable to provide a day and time of the personal service and the fact that no witness testimony or statements were submitted in evidence to support that the tenants were personally served.

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 a Dispute Resolution 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 12, 2017

Residential Tenancy Branch