



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR MNDC FF

This hearing dealt with the Landlord's Application for Dispute Resolution, received at the Residential Tenancy Branch on May 12, 2017 (the "Application"). The Landlord applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent or utilities;
- a monetary order for money owed or compensation for damage or loss; and
- an order granting recovery of the filing fee.

The Landlord attended the hearing on her own behalf and was accompanied by a witness, K.W. The Tenant attended the hearing on her own behalf. All parties giving testimony provided a solemn affirmation.

Although the Tenant acknowledged receipt of the Landlord's initial Application package on May 19, 2017, receipt of the Landlord's documentary evidence, received at the Residential Tenancy Branch on August 3, 2017, was denied by the Tenant.

Since filing the Application, the Landlord has made numerous attempts to serve the Tenant with documents. She has tried telephone, email and personal service, without success. It was not until July 25, 2017 – more than two months after the Application was filed – that the Landlord attempted service by registered mail, an authorized method of service under section 88 of the *Act*. However, even if I applied the deemed receipt provisions in section 90 of the *Act*, the Landlord's documentary evidence would be deemed to be received by the Tenant on July 30, 2017, contrary to Rule of Procedure 3.14. I also note the Tenant denied receipt of the Landlord's documentary evidence. Accordingly, as the Landlord's documentary evidence was served on the Tenant and received at the Residential Tenancy Branch late, I have not considered it further in this Decision.

The Landlord's monetary claims were summarized in a Monetary Order Worksheet, dated May 9, 2017. The claim included recovery of strata fees incurred when the Tenant moved into the rental unit, utility charges, and the filing fee. The Tenant disputed the Landlord's monetary claims. She alleged deductions had been made from the security deposit without authorization, and that payments had already been made. Given the clear disagreement between the parties with respect to the Landlord's monetary claims, and the exclusion of the Landlord's documentary evidence, I find there is insufficient evidence before me to conclude the Landlord is entitled to the monetary relief sought. Accordingly, the Landlord's claim is dismissed, 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: August 10, 2017

---

Residential Tenancy Branch