



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCL-S FFL

### Introduction

This hearing was scheduled to address the landlord's application pursuant to the *Residential Tenancy Act* ("the Act") for: a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend the hearing. A representative for the landlord ("the landlord") attended this hearing and testified that he believes he served the tenants by registered mail however he did not have any details or proof of service. The landlord testified that he has not had an opportunity to submit all of his evidence for this hearing or forward the materials he wishes to rely on to the tenants.

The landlord was unable to provide any proof or confirmation of service of the landlord's Application for Dispute Resolution ("ADR") and evidence. Residential Tenancy Policy Guideline No. 12 explains the requirements of service and the importance of service pursuant to section 88, 89 and 90 of the Act. The Policy Guideline states that, "Failure to serve documents in a way recognized by the Legislation may result in the application being adjourned, dismissed with leave to reapply, or dismissed without leave to reapply."

I find that the landlord provided insufficient evidence to show that the tenants were sufficiently served with the application for dispute resolution. To ensure procedural fairness and provide the respondent(s) with an opportunity to respond, it is essential that the respondent(s) be aware of an application against them and the details of that application. It is also essential that the respondent(s) be aware of the hearing date and time. The landlord has not met the requirements for service pursuant to the Act. Therefore, I dismiss the landlord's application with leave to reapply.

Conclusion

I dismiss the landlord's application with leave to reapply. Leave to reapply does not change or affect timelines for an application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *ACT Tenancy Act*.

Dated: May 03, 2018

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Residential Tenancy Branch