



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

On October 11, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting a Monetary Order for Compensation from the Landlord. The matter was set for a participatory hearing via conference call.

The Tenant attended the conference call hearing; however, the Landlord did not. The Tenant testified that he could not locate the Landlord and was unable to serve the Landlord with the Notice of Hearing (the “Notice”).

Preliminary Matters

Section 89(1) of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Hearing. The Notice must be given in one of the following ways; by leaving a copy with the Landlord; by leaving a copy with an agent of the Landlord; or, by sending a copy by registered mail to the address at which the Landlord carries on business.

The Tenant acknowledged that he was unable to serve the Notice as required by Section 89(1) of the Act. It is very important that the Landlord receive a copy of the Tenants’ Application and the Notice of Hearing, in order for the Landlord to respond and attend the hearing.

Conclusion

I dismiss the Tenant’s Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Act. I have not made any findings of fact or law with respect to the 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 *Residential Tenancy Act*.

Dated: May 14, 2018

Residential Tenancy Branch