



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDLS, MNDCLS, FFL

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") for a monetary claim in the amount of \$24,374.15 for damages to the unit, site or property, 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.

The landlord attended the teleconference hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. The landlord testified that the tenant vacated the rental unit in June 2017 and has not provided his written forwarding address to the landlord. The landlord testified that she attempted to serve the tenant through his employer however the only document submitted in evidence from B.W. who the landlord writes he has not worked with for seven years and does not believe he is employed with the company any longer. In addition, the landlord testified that she addressed the registered mail package to the tenant "care of" B.W. and that the packaged was returned to the sender with a note that it had already been opened before he received the package.

Based on the above, and taking into account that the tenant did not attend the hearing, and that I do not have any substitute service orders or applications before me, **I am not satisfied** that the tenant was sufficiently served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that the landlord has not submitted any supporting documentary evidence or witness testimony from the tenant's current or former employer that confirms that the tenant was served with the application and Notice of Hearing. In fact, both registered mail packages were returned to the sender as the landlord made a second attempt and did not have the registered mail tracking number to provide during the hearing.

Both parties have a right to a fair hearing and the tenant 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*.

Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue. The landlord is at liberty to apply for a substitute service order under the *Act* which will require evidence for an arbitrator to consider. This decision does not extend any applicable time limits under the *Act*.

A copy of this decision will be sent to the email address confirmed by the landlord during the hearing. As an email address was not provided by the tenant and the tenant did not attend the hearing, the tenant's copy of this decision will be mailed to the tenant's address provided on the landlord's application.

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: May 1, 2018

Residential Tenancy Branch