



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NEW WEST 727 HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S, MNRL-S, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* for a Monetary Order for compensation, a Monetary Order for unpaid rent and utilities and for the recovery of the filing fee paid for this application.

An agent for the Landlord called into the teleconference hearing, while no one attended for the Tenant. As the Tenant was not present, service of the Notice of Dispute Resolution Proceeding and application documents (the “Notice of Hearing”) was addressed.

The Landlord was not able to provide details of when the Notice of Hearing documents were provided to the Tenant. He believes that the documents were served to the Tenant in person or posted on the Tenant’s door while the Tenant was still residing in the rental unit.

Preliminary and Procedural Matter

Posting an application for dispute resolution to the respondent’s door is not deemed an acceptable method of service under Section 89(1) of the *Residential Tenancy Act*.

Due to a lack of evidence regarding service of the Notice of Hearing, I am not able to confirm that the Tenant was duly served with the Notice of Hearing. A respondent has a right to know the claims against them and to be provided with an opportunity to attend the hearing and submit evidence and testimony in response of the claims.

As I was not able to confirm that the Notice of Hearing documents were served to the

Tenant in accordance with the *Act*, I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application is dismissed with leave to reapply due to a service issue. This does not extend any applicable timelines under the *Residential Tenancy Act*.

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: June 07, 2018

Residential Tenancy Branch