



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCL-S, MNDL-S, MNRL-S, FFL

### Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for a Monetary Order for compensation, damages and unpaid rent, to retain the security deposit towards money owing and for the recovery of the filing fee paid for this application.

Two agents for the Landlord (the “Landlord”) were present for the teleconference hearing, while no one called in for the Tenant during the approximately 35 minutes that the teleconference line remained open. As the Tenant was not present, service of the Notice of Dispute Resolution Proceeding (the “Notice of Hearing”) was addressed.

The Landlord provided affirmed testimony that the Notice of Hearing, along with the Landlord’s evidence package, was sent to the Tenant by registered mail. The Landlord provided the registered mail tracking number that is included on the front page of this decision. Entering the tracking number on the Canada Post website confirms the mail as unclaimed and returned to the sender.

The Landlord stated that the Tenant did not provide a forwarding address at the end of the tenancy. They obtained the Tenant’s new address from the neighbours of the rental unit that is the subject of this dispute. As the forwarding address was not provided by the Tenant, and the mail was unclaimed, I am not able to confirm that the Tenant resides at the address where the Notice of Hearing was served.

In accordance with the *Residential Tenancy Branch Rules of Procedure*, a party has a right to know the claims against them, to submit evidence and attend the hearing. As I am not satisfied that the Tenant was served with the Notice of Hearing documents at

the correct address, I am not able to confirm that the Tenant was aware of the claims against them, or aware of the scheduled hearing.

Issues to be Decided

Is the Landlord entitled to a Monetary Order for damages or compensation?

Is the Landlord entitled to a Monetary Order for unpaid rent?

Should the Landlord be awarded the recovery of the filing fee paid for this Application for Dispute Resolution?

Analysis

I am not satisfied that the Tenant was duly served with the Notice of Dispute Resolution Proceeding package in accordance with the *Act*, and I therefore dismiss this Application for Dispute Resolution 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 *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: July 16, 2018

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Residential Tenancy Branch