



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL FFL

Introduction

This hearing was scheduled to convene at 1:30 p.m. on September 27, 2018 by way of conference call concerning an application made by the landlord seeking a monetary order as against the tenant for damage to the rental unit or property and to recover the filing fee from the tenant for the cost of the application.

The landlord attended the hearing and gave affirmed testimony. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant joined the call. The landlord testified that the tenant was personally served by the landlord, with a witness present, with the Landlord Application for Dispute Resolution and notice of this hearing (the Hearing Package) on April 11, 2018. The landlord and the witness signed a Proof of Service form (RTB Form 21), and the landlord was permitted to send to me that Proof of Service after the hearing had concluded.

I have now received 2 documents from the landlord by facsimile. One is entitled "Confirmation of Service of Monetary Order for Enforcement in Provincial Court" and the other is a proof of service of a monetary order. No evidence of serving the tenant with the hearing package for this hearing, including notice of this hearing with the phone number and passcode for the tenant to use to access this hearing, has been provided, and I am not satisfied that the landlord has established that the tenant has been served in accordance with the *Residential Tenancy Act*.

I find that the landlord is very confused about what was served and when, and I dismiss the landlord's application with leave to reapply.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed with leave to reapply.

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: October 04, 2018

Residential Tenancy Branch