



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for damages and loss pursuant to section 67; and
- authorization to recover the filing fee from the tenants pursuant to section 72.

The landlord was represented by their agent (the "landlord") who was given a full opportunity to give testimony, make submissions, present evidence and call witnesses. The tenant did not attend this hearing which lasted approximately 10 minutes. The teleconference line was left open for the duration of the hearing to allow the tenant to call in.

The landlord testified that they served the tenant with their application for dispute resolution dated March 14, 2018 by registered mail sent to a forwarding address provided at some point by the tenant. The landlord was unable to provide a Canada Post tracking number. The landlord testified that they were given the forwarding address by the tenant but could not recall when it was provided and submitted no written evidence showing the address as being provided by the tenant.

Analysis – Service of Landlord's Application

The landlord testified that the landlords' application for dispute resolution dated March 14, 2018 was served on the tenant by registered mail. The landlord was unable to provide a Canada Post tracking number and was similarly unable to articulate how the tenant provided them with their forwarding address. The landlord uploaded photographs of the condition of the rental unit but did not provide any documentary

evidence showing that the tenant provided a forwarding address in writing nor was any evidence submitted in support of the landlord's claim that the application package was served by registered mail.

Based on the evidence provided by the landlord, I am not satisfied that the tenant was properly served with the landlord's application for dispute resolution in accordance with the *Act*. Consequently, I dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's claim is 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 5, 2018

Residential Tenancy Branch