



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") seeking a monetary claim of \$1,125.00 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 tenant attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. The tenant testified that he could not recall the specific date the landlord was served by registered mail. The tenant was also unable to locate the registered mail tracking number and as a result, was given additional time to locate the registered mail tracking number. After approximately seven additional minutes, the tenant stated he was unable to locate the registered mail tracking number in his paperwork.

Based on the above, and taking into account that the landlord did not attend the hearing, **I am not satisfied** that the landlord 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 tenant could not recall the date in which the landlord was served by registered mail and was unable to provide the registered mail tracking number.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application. Therefore, **I dismiss** the tenant's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee due to the service issue.

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: October 25, 2018

Residential Tenancy Branch