



Dispute Resolution Services

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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") for a monetary claim in the amount of \$6,198.00 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 did not have the registered mail tracking number or tracking information with him during the hearing. The tenant was offered up to five minutes to locate the tracking information however the tenant stated that he would not be able to locate the tracking number as he left that information at home and he was calling into the hearing from a different location. In addition, the tenant failed to provide a copy of the registered mail tracking number in evidence for my consideration.

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 has provided no tracking number for registered mail or other registered mail tracking documentation to support that the landlord was sufficiently served under the Act. I confirmed that the teleconference codes were correct and that the only parties showing on the teleconference were the tenant and I.

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.

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

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*.

The recovery of the cost of the filing fee is not granted.

The tenant was advised that this decision will be emailed to the tenant at the email address provided by the tenant in their application and that the landlord would be sent the decision by regular mail as an email address for the landlord was not included on the tenant's application. I also have corrected the spelling of the landlord's street name on their application pursuant to section 64(3) of the *Act* as the application contained a typographical error.

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: November 5, 2018

Residential Tenancy Branch