



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, MNDCL-S, FFL

Introduction

On June 29, 2018, the Landlord made an Application for Dispute Resolution seeking a Monetary Order for outstanding rent and utilities pursuant to Section 67 of the *Residential Tenancy Act* (the “*Act*”), seeking a Monetary Order for compensation for damage and cleaning pursuant to Section 67 of the *Act*, seeking to apply the security deposit towards these debts pursuant to Section 67 of the *Act*, and seeking recovery of the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, there was no appearance by the Tenants. The Landlord provided a solemn affirmation.

The Landlord advised that he did not get a forwarding address in writing from the Tenants. He stated that he served a Notice of Hearing package to Tenant K.B. by hand at her place of employment. As well, he stated that he served a Notice of Hearing package to Tenant K.N. by hand at his most current place of residence. However, the Landlord did not submit any evidence to corroborate service of the Notice of Hearing packages to either Tenant. In addition, the Landlord did not submit any evidence to substantiate the monetary claims that he was seeking compensation for.

As the Tenants did not attend the hearing and as the Landlord did not provide any evidence to confirm that he had served either Tenant the Notice of Hearing package, I am not satisfied that either Tenant was duly served with the Landlord’s Notice of Hearing package in accordance with the *Act*. As such, I dismiss the Landlord’s Application with leave to re-apply.

As the Landlord was unsuccessful in his Application, I find that the Landlord is not entitled to recovery of the filing fee for this Application.

Conclusion

I dismiss the Landlord's Application with leave to re-apply.

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: November 16, 2018

Residential Tenancy Branch