



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CEDAR COTTAGE HOLDINGS LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** MND, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord, pursuant to the *Residential Tenancy Act*, for a monetary order for damages and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

At the start of the hearing, the landlord informed me that the tenant had moved out on July 02, 2018, without providing the landlord with a forwarding address. The landlord also stated that he served the hearing package on the tenant by registered mail to the address of the rental unit on August 31, 2018 and it was returned to him.

The purpose of serving a notice of hearing to the respondent is to notify the person being served of matters relating to arbitration and to provide the person with an opportunity for rebuttal. In this case, the landlord stated that he had served the tenant with a notice of hearing package to the rental unit after the tenant had moved out. Since the tenant was not provided with an opportunity for rebuttal, I dismiss the landlord's application with leave to reapply.

### **Conclusion**

The landlord's application 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: December 21, 2018

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Residential Tenancy Branch