



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 Landlords' Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "*Act*"), made on September 17, 2018. The Landlord applied for a monetary order for compensation for damage caused by the Tenant, permission to retain the security deposit and to recover the filing fee paid for the application. The matter was set for a conference call.

The Landlord attended the hearing was affirmed to be truthful in his testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Landlord testified that the Application for Dispute Resolution, and Notice of Hearing document had been sent registered mail to the Tenant. The Landlord testified that he served the Tenant with the Notice of Hearing documents by Canada Post Registered mail. However, the Landlord was not able to provide a Canada post tracking number or testify to the date that he had sent the registered mail. I find that the Landlord has not satisfied me that the Tenant had been duly served with the Notice of Hearing in accordance with the *Act*.

Therefore, I dismiss the Landlord application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: January 18, 2019

Residential Tenancy Branch