



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI MNDC PSF FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order regarding a disputed additional rent increase pursuant to section 43;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. The landlord did not attend the hearing.

Preliminary Issue: Service of Tenant's Application

The tenant testified that on December 21, 2018, she sent a copy of the Application for Dispute Resolution and Notice of Hearing to the landlord by Registered Mail. The tenant provided a Registered mail tracking number during the hearing in support of service. An online delivery progress report indicates the item was unclaimed and has since been returned to the sender.

The tenant resides in the lower portion of the residential house and the landlord resides upstairs. The tenant advised that on about December 9, 2018 she became aware that the landlord was away as they had not been home for some time. She later learned that they were out of the country and did not return until mid-January 2019. The tenant's application was filed on December 21, 2018 which is during the period the landlord was out of the country.

Based on the evidence provided by the tenant, I am not satisfied the landlord has been served with the tenant's application for dispute resolution. The tenant's application was filed and served by registered mail while the landlord was out of the country and the landlord does not appear to have had the opportunity to retrieve the registered mail before it was returned to the sender.

Rather than proceed with this hearing and potentially have the landlord request a review on the grounds of not being served, I advised the tenant that I would be dismissing this application with leave to reapply. The tenant's application does not appear to be of an urgent nature so I find there is little prejudice the tenant in reapplying and serving the landlord again now that they are back in the country.

Conclusion

I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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 31, 2019

Residential Tenancy Branch