



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SKYLINE LIVING  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNRLS, FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for a monetary order in the amount of \$1,200.00 for unpaid rent or utilities, to retain the tenant's security deposit and/or pet damage deposit and to recover the cost of the filing fee.

Two agents for the landlord, SH and RS ("agents") attended the teleconference hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. The agents stated that the tenant was served at the rental unit address and that they were unsure of when the tenant vacated the rental unit. The agents were unable to confirm if the tenant was still occupying the rental unit at the time the tenant was served with the Notice of Hearing, application and documentary evidence. The agents confirmed that the tenant has not provided the landlord with their written forwarding address.

Based on the above, and taking into account that the tenant did not attend the hearing, **I am not satisfied** that the tenant 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 agents were unable to confirm that the tenant was still occupying the rental unit on the date in which the tenant was served with the Notice of Hearing, application and documentary evidence.

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application. Therefore, **I dismiss** the landlord's application **with leave to reapply** due to

a service issue. I note this decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee as a result.

### Conclusion

The landlord'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*.

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

The decision will be emailed to the landlord at the email address provide by the agents during the hearing. The tenant will be sent the decision by regular mail as the application did not contain an email address for the tenant.

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: February 8, 2019

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Residential Tenancy Branch