



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, FFL

Introduction

This decision is in respect of the landlords' application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The landlords sought compensation in the amount of \$6,300.00 for unpaid rent and \$100.00 for the filing fee.

A dispute resolution hearing was convened on March 15, 2019 and the landlords attended. The tenant did not.

Preliminary Issue: Service of Notice of Dispute Resolution Proceeding

The landlord (S.T.) testified that he was unable to serve the Notice of Dispute Resolution Proceeding package on the tenant as she had moved out shortly after an order of possession had been obtained in November 2018. They have, according to the Residential Tenancy Branch file's audit notes, "no clue where the tenant moved to."

Rule 3.1 of the *Rules of Procedure*, under the Act, requires an applicant to serve the respondent with the Notice of Dispute Resolution Proceeding within three days of it being provided by the Branch. The importance of this cannot be overemphasized, as the Notice is often the only way by which a respondent has an awareness that a legal proceeding has been commenced against them.

I explained to the landlords that without proof of service of the Notice of Dispute Resolution Proceeding package, I was unable to proceed with the hearing.

Conclusion

The landlords' application is dismissed with leave to reapply.

As explained to the landlords, they have up to two years after the end of the tenancy to apply for dispute resolution against their former tenant.

I make no findings of fact or law regarding the application itself or of the dispute.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: March 15, 2019

Residential Tenancy Branch