



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCL-S, MNDL-S, MNRL-S, FFL

### Introduction

On November 19, 2018, the Landlord applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “*Act*”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On November 19, 2018, the Landlord’s Application was set down for a Dispute Resolution Proceeding on March 19, 2019 at 1:30 PM.

The Landlord attended the hearing; however, there was no appearance by the Tenant. The Landlord provided a solemn affirmation.

The Landlord advised that she did not serve the Notice of Hearing package to the Tenant. I find it important to note that Section 89 of the *Act* requires that the Landlord serve this package in a method which complies with the *Act*. As the Landlord has not served the Tenant the Notice of Hearing package in an acceptable method pursuant to the *Act*, I am not satisfied that the Tenant has been served in accordance with the *Act*. As such, I dismiss the Landlord’s Application with leave to re-apply.

As the Landlord was unsuccessful in her claims, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Landlord's Application with leave to re-apply; 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: March 19, 2019

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Residential Tenancy Branch