



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DHAP DEVELOPMENTS LIMITED and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL, MNDL, MNDCL, FFL

Introduction

On April 4, 2019, the Landlord made an Application for Dispute Resolution seeking a Monetary Order for compensation for damage, cleaning, and costs associated with a Writ of Possession pursuant to Section 67 of the *Residential Tenancy Act* (the “Act”) and seeking recovery of the filing fee pursuant to Section 72 of the *Act*.

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

The Landlord advised that she did not get a forwarding address in writing from either Tenant. However, she stated that the Tenants provided her friend with their new address in writing in October 2018. She advised that she was unable to serve the Tenants with the Notice of Hearing package until May 21, 2019 when she served Tenant K.S. by hand at the address listed on the piece of paper that was provided to her friend. The Landlord stated that she did not have a witness or any proof of service to confirm that this Notice of Hearing package was served to Tenant K.S. two days ago.

As the Landlord did not provide any evidence to confirm that the Notice of Hearing package had been served to the Tenants, as the Landlord only allegedly served the Notice of Hearing package to Tenant K.S. two days before the hearing, contrary to Rule 3.1 of the Rules of Procedure, and as neither Tenant attended the hearing, I find that it would be prejudicial to the Tenants to proceed with the hearing. As such, I dismiss the Landlord’s Application with leave to re-apply.

Conclusion

I dismiss the Landlord's Application with leave to re-apply.

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: May 23, 2019

Residential Tenancy Branch