



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNRL, FFL

### Introduction

On April 26, 2019, the Landlord made an Application for Dispute Resolution 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*.

H.H. attended hearing as an agent for the Landlord; however, the Tenant did not make an appearance. H.H. provided a solemn affirmation.

He advised that the Notice of Hearing and evidence package was served to the Tenant by registered mail on May 10, 2019 (the registered mail tracking number is on the first page of this decision). He stated that the address used for service was the dispute address, as he found a Canada Post mail forwarding card in the rental unit. However, there was no indication on the tracking history that this package was re-directed to the Tenant’s new address. Based on this undisputed testimony, as this was not served in accordance with Section 89 of the *Act*, and as I am satisfied that the Tenant has not been served the Notice of Hearing and evidence package, I dismiss the Landlord’s Application with leave to reapply.

As the Landlord’s Application was dismissed with leave to reapply and he was unsuccessful in his Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

The Landlord's Application with respect to monetary compensation is dismissed with leave to reapply.

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: August 12, 2019

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Residential Tenancy Branch