



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL, MNRL, FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The landlord applied a monetary order in the amount of \$22,600.00 for damages to the rental unit, site or property, for unpaid rent or utilities, and to recover the cost of the filing fee.

The landlord attended the teleconference hearing. The landlord testified that the tenant vacated the rental unit and did not provide a forwarding address. The landlord testified that although they applied for a Substituted Service order requesting permission from the Residential Tenancy Branch ("RTB") to serve the tenant by email, that application was dismissed with leave to reapply.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding ("Notice of Hearing"), application, and documentary evidence were considered. The landlord testified that the tenant has not been served with the monetary application as the tenant has failed to provide a written forwarding address and the landlord have been unable to serve the tenant as a result.

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 Hearing, application and documentary evidence. 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 of the service issue.

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 confirmed 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: September 9, 2019

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Residential Tenancy Branch