



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDCL MNDL MNRL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and,
- authorization to recover the filing fee for this application pursuant to section 72.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenants did not attend the hearing. I kept the teleconference line open for the duration of the hearing to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the tenant.

Section 89 of the *Act* sets out how an Applicant must serve a Respondent with an application for dispute resolution. Furthermore, *Residential Tenancy Branch Rules of Procedure* 3.5 states that the applicant must be prepared to demonstrate to the satisfaction of the arbitrator at the hearing that service has been completed. The landlord testified that the application for dispute resolution was served by registered mail. However, the landlord was unable to provide the registered mail tracking number or provide the date on which the notice was mailed.

I am not satisfied that the landlord has provided sufficient evidence of the service of the notice of dispute as required by *Residential Tenancy Branch Rules of Procedure* 3.5. Accordingly, I hereby exercise my discretion to adjourn this matter pursuant to *Residential Tenancy Branch Rules of Procedure* 7.8.

Conclusion

Based on the above:

- **I order** this hearing will be reconvened on the date identified in the Notice of Hearing documents attached to this decision;
- **I order** that this is not an opportunity for the landlord to amend this Application for Dispute Resolution;
- **I order** that this not an opportunity for the tenants to submit an Application for Dispute Resolution to be crossed or for the landlord to submit a new Application for Dispute Resolution to be joined with any of this Application for Dispute Resolution currently before me;
- **I order** that, with the exception of submitting evidence of proof of service, this is not an opportunity for the landlord to submit additional evidence.

This interim 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: November 18, 2019

Residential Tenancy Branch