



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MND MNSD FF

Introduction

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

- a monetary order for unpaid rent pursuant to section 67;
- a monetary order for damage to the rental unit 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;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. All named parties attended this hearing.

Preliminary Issue: Service of Landlord's Application

Four out of the five tenants named in this application attended the hearing. All four tenants in attendance testified that they had not been served with the landlord's application or evidence package. The tenants claimed they only received notification of the hearing date through an automated e-mail alert from the Residential Tenancy Branch. The tenants testified that they had to go through a lot of trouble just to obtain the conference call details to allow them to connect with this hearing.

The landlord testified that he served the application for dispute resolution package and evidence package by sending a copy to each tenant by registered mail to a forwarding address provided by the tenant V.V., who himself was not in this hearing. The landlord testified that V.V. sent him an e-mail advising that one of the tenant's had been residing at that forwarding address. There was no unit number provided. The landlord testified that he proceeded to obtain a unit number from a maintenance person at the building. The tenant J.K. acknowledged in the hearing that he resided at that forwarding address

but testified that the unit number was incorrect; therefore, he did not receive any packages from the landlord.

Each of the tenants present in the hearing subsequently provided the landlord with an updated forwarding address.

I find the tenants had not been served with the landlord's application for dispute resolution by registered mail to either an address at which the tenants reside or to a forwarding address provided by the tenants or in person as required by section 89(1) of the *Act*.

Conclusion

I dismiss the landlord's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: February 25, 2020

Residential Tenancy Branch