



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL -S; FFL

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid rent and utilities; and, authorization to retain the tenant's security deposit. The landlords appeared at the hearing; however, there was no appearance on part of the tenant.

Since the tenant did not appear, I explored service of hearing documents upon the tenant. The landlords acknowledged they did not serve the tenant with the proceeding package because they do not know where to serve the tenant. The landlords explained that they have not had any communication with the tenant since they served a 10 Day Notice to End Tenancy for Unpaid Rent on October 2, 2019 and they found the unit vacated on October 15, 2019 and the tenant has not provided them with a forwarding address.

As the landlords made an application for a Monetary Order, the landlords were required to serve the tenant with their Application for Dispute Resolution and other required hearing documents within three days of making their Application for Dispute Resolution and in a manner that complies with section 89(2) of the Act. Section 89(2) provides that an Application for Dispute Resolution must be served upon the respondent either: in person or by registered mail sent to the tenant's forwarding address or address of residence, unless the applicant has a Substituted Service order, which the landlords do not have in this case.

In light of the above, the hearing could not proceed as the tenant has not been duly notified of the claims against her and I dismiss the landlord's claims 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: March 17, 2020

Residential Tenancy Branch