



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **FFL, MNDL-S**

### Introduction

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

- Authorization to recover the filing fee for this application from the tenant pursuant to section 72; and
- A monetary Order for Damages and authorization to retain a security deposit pursuant to sections 38 and 67.

The tenant did not attend the hearing, although I left the teleconference open until 1:35 p.m. to allow the tenant to call into the hearing set for 1:30 p.m. The landlord attended the hearing, represented by an agent, CFS. The landlord's agent testified that she was attending this hearing on behalf of the property manager who filed this Application for Dispute Resolution, RT. RT was engaged in another dispute resolution scheduled for this same time slot and was therefore unable to attend this hearing.

The landlord's agent CFS testified that she was unable to tell me whether the tenant had been served with the Notice of Dispute Resolution Proceedings as she didn't have RT's package with her for this hearing. She had a copy of the Notice of Dispute Resolution Proceedings faxed to her by RT and nothing else.

Residential Tenancy Branch Rule of Procedure 3.5 states:

### **3.5 Proof of service required at the dispute resolution hearing**

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

The tenant did not attend the hearing, and the landlord's agent did not provide me with satisfactory proof the tenant was served with the Notice of Dispute Resolution

Proceedings Package. As such, I dismissed the landlord's application with leave to reapply.

Conclusion

The landlord's Application for Dispute Resolution 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: May 04, 2020

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Residential Tenancy Branch