



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, MNDCL-S, MNDL, FFL

Introduction

In this dispute, the landlord sought various relief under sections 67 and 72 of the *Residential Tenancy Act* (the “Act”). An application for dispute resolution was filed by the landlord on July 13, 2020 and a dispute resolution hearing was held on August 20, 2020. The landlord attended the hearing, while the tenant did not.

Preliminary Issue: Service of the Notice of Dispute Resolution Proceeding

During the preliminary stage of the hearing, the landlord testified that while he left the Notice of Dispute Resolution Proceeding package on the door of the rental unit, it does not appear that the tenant ever actually received the package. The tenant appears to have abandoned the property, and the landlord knows not of her whereabouts.

Under Rule 3.5 of the *Rules of Procedure*, under the Act,

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.

Based on the testimony of the landlord (and I found the landlord to be straightforward, credible and truthful), I am not satisfied that the tenant was served with the Notice of Dispute Resolution Proceeding package as is required.

Given that service of the Notice of Dispute Resolution Proceeding is an important and necessary step before an applicant may proceed to a hearing and given that this was not done (through no deliberate fault of the landlord), I cannot proceed with the hearing.

As such, I dismiss the landlord’s application with leave to reapply.

What this means is, is that once the landlord finds out where the tenant lives and has her new address, he may file a new application for dispute resolution. He has up to two years from the date the tenancy ended in order to file his application.

Conclusion

I dismiss the landlord's application, with leave to reapply.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: August 20, 2020

Residential Tenancy Branch