



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1038834 B.C. LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNRL-S, MNDCL-S, FFL

### Introduction and Preliminary Matters

On May 22, 2020, the Landlord applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “Act”), seeking to apply the security deposit towards this debt pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

V.W. and I.D. attended the hearing as agents for the Landlord; however, the Tenants did not make an appearance during the 16-minute hearing. All in attendance provided a solemn affirmation.

V.W. advised that they served each Tenant a Notice of Hearing package by registered mail, to the dispute address, on or around May 22, 2020. However, she stated that the Tenants abandoned the rental unit near the end of April 2020 and the Landlord took over the rental unit at this time. Based on this undisputed testimony, as the Tenants were not residing at the rental unit at the time the Notice of Hearing packages were mailed, I am not satisfied that they were served these packages. As such, I have dismissed the Landlord’s Application with leave to reapply.

As the Landlord was not successful in this Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this Application.

### Conclusion

Based on the above, the Landlord’s Application 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: September 24, 2020

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Residential Tenancy Branch