



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE PENINSULA PROPERTY
MANAGEMENT and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S, MNDCL-S, FFL

Introduction

On September 14, 2020, the Landlord made an Application for Dispute Resolution seeking a Monetary Order for outstanding rent and utilities pursuant to Section 67 of the *Residential Tenancy Act* (the “*Act*”), seeking to apply the security deposit and pet damage deposit towards these debts pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

C.L. attended the hearing as an agent for the Landlord; however, the Tenant did not attend at any point during the 16-minute hearing. All parties in attendance provided a solemn affirmation.

C.L. advised that the Landlord did not receive a forwarding address in writing from the Tenant. She stated that she served the Notice of Hearing package, by registered mail on September 21, 2020, to an address that was provided by the Tenant to the building inspector over the phone. The building inspector wrote this address on the bottom of the move-out inspection report. As this package went undelivered, she sent an identical copy of this package by regular mail on September 28, 2020 to that same address. This second package was returned stating “business closed.”

As the Tenant did not attend the hearing, as a forwarding address in writing was not provided by the Tenant pursuant to Section 38 of the *Act*, and as the Landlord provided insufficient evidence to confirm that this address was a correct address for service to the Tenant, I am not satisfied that the Tenant was duly served with the Landlord’s Notice of Hearing package in accordance with the *Act*. As such, this Application is premature, and I dismiss the Landlord’s Application with leave to re-apply.

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

I dismiss the Landlord's Application with leave to re-apply.

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: November 10, 2020

Residential Tenancy Branch