



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

On August 31, 2020, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* seeking a monetary order for unpaid rent and to recover the cost of the filing fee.

This matter was set for hearing by telephone conference call at 1:30 pm on this date. The Landlord's agent attended the hearing; however, the Tenant did not. The line remained open while the phone system was monitored for 15 minutes and the Tenant did not call into the hearing during this time.

The Landlord testified that the Tenant would not provide him with a forwarding address when he moved out. The Landlord testified that he did an internet search and found an address associated with the Tenant's business. The Landlord sent the Notice of Dispute Resolution Proceeding using registered mail to the address he found on the internet.

The Landlord testified that he also sent a copy of the Notice of Dispute Resolution Proceeding to the Tenant using email. The Landlord testified that the Tenant did not respond to the email.

A fundamental principle of administrative law is that a party to a proceeding has the right to receive notice of a proceeding and know the case against them. A party has the right to participate and respond.

I find that it is not reasonable to find that the Tenant is deemed to have received the Notice of Dispute Resolution Proceeding. The Landlord has provided insufficient

evidence to convince me that the Tenant is living at the address he found on the internet.

In addition, since the Tenant did not respond to the email, and because email is not an approved method of service for a Notice of Dispute Resolution Proceeding, it is not reasonable to accept that the Tenant received notice of this hearing. The hearing did not proceed.

The Landlord's application for a monetary order for unpaid rent is dismissed with leave to reapply.

Conclusion

The Landlord provided insufficient evidence that the Tenant was served with notification of this hearing in accordance with sections 89 and 90 of the Act.

The Landlord's application for a monetary order for unpaid rent 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: December 11, 2020

Residential Tenancy Branch