



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- a monetary order for compensation for unpaid rent, pursuant to section 67 ;
- an authorization to retain the tenants' security deposit, under section 38; and
- an authorization to recover the filing fee for this application, under section 72

I left the teleconference connection open until 1:47 P.M. to enable the tenants to call into this teleconference hearing scheduled for 1:30 P.M. The landlord attended and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord affirmed she served the Notices of Hearing and evidence by registered mail to the tenants. The landlord was not able to provide the tracking number nor state when she sent the registered mail.

Because the testimony regarding the service of the Notices of Hearing was vague and the tracking numbers were not provided, I am not satisfied the Notices of Hearing were served in accordance with the Act.

Based on the foregoing, I dismiss the landlord's application with leave to reapply. Leave to reapply is not an extension of timeline to apply.

As the landlord was not successful, she is not entitled to recover the filing fee.

Conclusion

I dismiss the landlord's application 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: January 26, 2021

Residential Tenancy Branch