Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   **MNRL, MNDCL, FFL**

Introduction, Preliminary and Procedural Issues

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent and to recover the filing fee.

On August 31, 2020 the landlord made an application for substituted service on the above-named tenants. The landlord's application for substituted service on the tenant RS was dismissed with leave to reapply. The landlord's application for substituted service on HS was granted by way of email.

On December 13, 2020, the landlord filed an amendment to their application by removing HS as a respondent.

The landlord appeared. The landlord stated that they served HS by email as directed by the substituted service order on September 24, 2020, which was confirmed as "read". RS was not served.

In this case, I find I cannot proceed with the landlord's application. While I accept the landlord served HS on September 24, 2020; however, on December 13, 2020, the landlord removed HS as a respondent.

While I accept this was an error on the landlord's part, as the intent was to remove RS; however, that is not an error that I can correct at this hearing. Therefore, I find it appropriate to 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 07, 2021

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Residential Tenancy Branch