



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNRL-S, FFL

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on September 17, 2020 (the “Application”). The Landlord applied as follows:

- For compensation for damage to the unit or property;
- To recover unpaid rent;
- To keep the security deposit; and
- For reimbursement for the filing fee.

The Agent for the Landlord appeared at the hearing. Nobody appeared at the hearing for the Tenant.

The Agent for the Landlord asked for an adjournment at the outset of the hearing. I addressed preliminary issues prior to hearing further on the adjournment request. The Agent provided affirmed testimony. The Agent testified that the hearing package and Landlord’s evidence was not served on the Tenant. Given this, I told the Agent I could not proceed with the matter and the Application would be dismissed with leave to re-apply. I told the Agent the Landlord is not entitled to an adjournment in these circumstances.

Pursuant to section 59(3) of the Residential Tenancy Act (the “Act”) and rule 3.1 of the Rules of Procedure, the Landlord was required to serve the hearing package and all evidence on the Tenant. Service ensures the other party is aware of the hearing and can prepare for and attend the hearing.

Here, the Landlord did not serve the hearing package or evidence on the Tenant. Therefore, we could not proceed with the hearing. The result is that the Application is

dismissed with leave to re-apply. The Landlord is not entitled to an adjournment. The request for reimbursement for the filing fee is dismissed without leave to re-apply given the Landlord was not successful on the Application.

Conclusion

The Application is dismissed. The claims are dismissed with leave to re-apply, other than the request for reimbursement for the filing fee which is dismissed without leave to re-apply. This decision does not extend any time limits set out in the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 11, 2021

Residential Tenancy Branch