



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-S, MNRL-S, MNDCL-S, FFL

### Introduction and Preliminary Matters

On November 5, 2020, the Landlord applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “*Act*”), seeking to apply the security deposit towards this debt pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

V.Y. attended the hearing as an agent for the Landlord; however, the Tenant did not make an appearance at any point during the 12-minute teleconference. All parties in attendance provided a solemn affirmation.

She advised that the Notice of Hearing and evidence package was served to the business address of the Tenant on November 9, 2020 by registered mail. In addition, she applied for Substituted Service for permission to serve this package to that particular address. However, a Decision was made on November 16, 2020, and it was determined that this address was not a valid service address for the Tenant. She stated that there have been no further attempts to serve this package to the Tenant since this Substituted Service Decision was rendered.

Based on this undisputed testimony, as the Landlord has not served this package in accordance with the timeframe requirements of Rule 3.1 of the Rules of Procedure, to a valid service address for the Tenant, I am not satisfied that the Tenant was not sufficiently served with the Notice of Hearing package. As such, I dismiss the Landlord’s Application for monetary compensation with leave to reapply.

Conclusion

As the Notice of Hearing package was not served to the Tenant pursuant to the *Act* or in accordance with the timeframe requirements of Rule 3.1 of the Rules of Procedure, 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: February 22, 2021

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Residential Tenancy Branch