



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, OPRM-DR, FFL

Introduction and Preliminary Matters

On March 1, 2021, the Landlord applied for a Dispute Resolution proceeding seeking an Order of Possession based on a 10 Day Notice for Unpaid Rent (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”), seeking a Monetary Order for compensation pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, the Tenant did not make an appearance at any point during the 9-minute teleconference. All parties in attendance provided a solemn affirmation.

He advised that the Tenant had moved out and did not provide a forwarding address in writing. He stated that he served the Notice of Hearing and evidence package to the Tenant by email on April 3, 2021. However, he did not apply for Substituted Service seeking permission to serve this package to that particular email address.

Based on this undisputed testimony, as the Landlord did not have a Substituted Service Decision permitting him to serve to the Tenant at that email address, I am not satisfied that the Tenant was sufficiently served with the Notice of Hearing package. As such, I dismiss the Landlord’s Application with leave to reapply.

As the Landlord was not successful in this Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee.

Conclusion

As the Notice of Hearing package was not served to the Tenant pursuant to the *Act*, 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: April 26, 2021

Residential Tenancy Branch