



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOLLYBURN PROPERTIES LIMITED and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S, FFL

Introduction

This hearing dealt with the Application by the Landlords filed under the Residential Tenancy Act (the “Act”) for a monetary order for unpaid rent and to recover the filing fee paid for these proceedings. The matter was set for a conference call.

Both Landlords attended the hearing and were each affirmed to be truthful in their testimony. As the Tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the Act states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing within three days of the creation of these documents.

The Landlords testified that the Application for Dispute Resolution and Notice of Hearing documents had been registered mail to the Tenants on February 11, 2021. The Landlord was asked to provide the registered mail tracking number for this service.

The Landlord testified that they did not have this information in front of them as they are out of town and unable to travel due to the Covid-19 pandemic. The other representative for the Landlord testified that they would get the requested tracking number. The Landlord was provided with an additional five minutes to provide the required proof of service for the February 11, 2021 registered mail into evidence.

All lines were muted for five minutes; at 1:45, this Arbitrator returned to the call and again requested the registered mail tracking number for the service of the Application for Dispute Resolution and Notice of Hearing documents to the Tenants, sent on February 11, 2021. The Landlord testified that they still have not been able to secure the requested information.

Ample time during these proceedings was provided to the Landlords to search through paperwork and confirm information. However, the Landlords remained unable to

accurately testify the details of service. Overall, I find that I do not have sufficient evidence before me to prove to my satisfaction that the Tenants had been served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Landlords' application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Landlords' claim 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: June 7, 2021

Residential Tenancy Branch