



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, MNDL-S, FFL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for damages to the unit - Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. The Landlord appeared. The hearing was scheduled to start and did start at 1:30 p.m. The phone line was monitored for 10 minutes during which time the Tenants did not appear. The hearing ended at 1:40 p.m.

The Landlord served the Tenants with the application for dispute resolution, the notice of hearing and evidence (the “Hearing Package”) by registered mail to an address set out on the Tenants’ past rent cheques. The Landlord believes that the address might be the business address of the Tenants. The Tenants did not provide a forwarding address. The Landlord has no knowledge of the residential address of either of the Tenants.

Section 81(1) of the Act provides that an application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;

- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

As the Landlord did not serve the application by any of the methods provided above, I find that service of the Hearing Package was not accomplished in accordance with the Act. I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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: September 09, 2021

Residential Tenancy Branch