



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, FFL

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67;
- authorization to retain the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover the filing fee for its application from the tenant, pursuant to section 72.

This matter was set for a conference call hearing at 1:30 p.m. on this date. The landlord's agents participated in the hearing, the tenant did not. The agents did not provide sufficient evidence to show that the alleged forwarding address came from the tenant. In addition, the forwarding address is a post office box. The agents testified that they had an email that could confirm that the tenant provided that address as her forwarding address, but that email was not submitted for this hearing.

Furthermore, the agents did not provide the Canada Post tracking information to reflect if the tenant received their package, refused the package or if it was unclaimed. Based on the above, the agents were not able to satisfy me that the tenant had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the landlord's application with leave to reapply, except for the landlords request for the recovery of the filing fee, I dismiss that portion of their application without leave to reapply.

Leave to reapply 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 *Residential Tenancy Act*.

Dated: October 21, 2021

Residential Tenancy Branch