



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

On April 26, 2021, the Tenant applied for dispute resolution under the *Residential Tenancy Act* (“the Act”) seeking compensation for money owed or damage or loss under the Act, Regulation, or tenancy agreement.

The matter was scheduled as a teleconference hearing. The Tenant attended the hearing; however, the Landlord did not. The Tenant was assisted by an advocate.

The line remained open while the phone system was monitored for fifteen minutes and the Landlord did not call into the hearing during this time.

The Tenant testified that the Notice of Dispute Resolution Proceeding was served to the Landlord using registered mail sent to the Landlord’s address on May 7, 2021. The Tenant was asked how he is sure the Landlord still resides at his old address.

The Tenants advocate stated that she is aware that the Landlord is no longer living at his former address as he apparently had a stroke and is living at an extended care facility. The advocate did not know when the Landlord moved.

A fundamental principal of administrative law is that a party has the right to receive notice of a proceeding and have an opportunity to respond/ participate. Since the Landlord did not attend the hearing; did not provide any response to the claim; and has apparently moved, I am not satisfied that the Landlord has been properly served with the Notice of Dispute Resolution Proceeding. The hearing did not proceed.

The Tenant’s application is dismissed in its entirety 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: October 26, 2021

Residential Tenancy Branch