



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "*Act*") made on April 20, 2021. The Landlord applied for a monetary order for unpaid rent, permission to retain the security deposit and to recover the filing fee paid for the application. The matter was set for a conference call.

The Landlord Agent attended the hearing was affirmed to be truthful in their testimony. As the Tenant 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.

The Landlord's Agent testified that the Application for Dispute Resolution and Notice of Hearing document had been mailed to the Tenant; however, they were unable to testify to that date these items were mailed or provide a tracking number for the mail service. In the absence of sufficient evidence to prove service of the Notice of Hearing documents, I find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Landlord's application for a monetary order and permission to retain the security deposit with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

I dismiss the Landlord's application for the recovery of their filing fee without leave to reapply.

Conclusion

I dismiss the Landlord's application for a monetary order and permission to retain the security deposit with leave to reapply.

I dismiss the Landlord's application for the recovery of their filing fee without 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 22, 2021

Residential Tenancy Branch