



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, FFL

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent

The landlord's agent testified she served with the tenant with her evidence the day before the hearing. She also testified that she had not received the email sent to her on July 15, 2021 from the Residential Tenancy Branch which included the Notice of Hearing documents as well as instructions on how to prepare and proceed with the hearing. As such, the landlord's agent confirmed that she never did serve the tenant with notice of this hearing.

As the tenant has not been served with notice of this hearing or with the landlord's evidence in a timely fashion, if at all, I find I cannot proceed with the landlord's Application at this time.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for repairs to damage and/or cleaning of the rental unit; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 38, 67, and 72 of the *Residential Tenancy Act* (Act).

Conclusion

Based on the above, I dismiss this application 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: November 16, 2021

Residential Tenancy Branch