



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL-S MNRL-S FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for unpaid rent or utilities, for damages to the unit, site or property, and to recover the filing fee.

The landlord did not attend the teleconference hearing; however, an agent for the landlord, PW (agent) did attend the teleconference hearing. The tenant did not attend the teleconference hearing.

### Preliminary and Procedural Matters

The agent was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The agent was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the agent was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The agent did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the agent confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the agent provided an email address for the tenant, the decision will be sent by email to the tenant.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding dated July 26, 2021 (Notice of Hearing), application and documentary evidence were considered. The agent was affirmed and confirmed that they served the

employer of the tenant and that they did not have a written forwarding address from the tenant. Submitted in evidence was a registered mail tracking number. That number has been included on the style of cause for ease of reference. According to the Canada Post registered mail website, a person other than the tenant, SJ, signed for the registered mail package (Package). As a result, the agent was asked what address they sent the Package to. The agent testified that they did not have an address for the tenant so they contacted a company called RC H via email. The email dated July 6, 2021 submitted in evidence reads in part that an agent asked to send some documents to MS and can we send it to company RC H? A response from company RC H has no personal name of any employee of company RC H and says:

Hello, yes you can send those documents to our Administrative Offices at [address for company RC H].

If you know where MS works, please include that information as well as their name.

Thank you!

[RC H]

The agent confirmed and the undersigned has also confirmed that the landlord did not apply for substituted service under the Act. Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Proceeding and application. I also find that the email did not contain a specific name of a person working for RC H, nor did they confirm that MS was currently working for them and most importantly, that MS would be served by a specific person with the Package. Therefore, **I dismiss** the landlord's application **with leave to reapply** as I am not satisfied that the tenant has been sufficiently served with the Notice of Hearing and application in a manner provided for under the Act. I note this decision does not extend any applicable time limits under the Act.

I do not grant the filing fee as a result of the service issue.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

The filing fee is not granted due to a service issue.

This decision will be emailed to both parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: January 25, 2022

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Residential Tenancy Branch