



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LANPORT PROPERTIES LTD. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S, MNDCL-S, FFL

Introduction

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

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed testimony. The tenant did not attend.

At the outset, the landlord stated that she was not able to serve the notice of hearing package to the tenant as her whereabouts are unknown.

Section 59 of the Act states in part that an application for dispute resolution must give a copy of the application to the other party within 3 days of making it. In this case the landlord confirmed in her direct testimony that the tenant was not served with the notice of hearing package as she is unable to locate the tenant. I find on this basis that the landlord's application is dismissed with leave to reapply for lack of service.

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: January 10, 2022

Residential Tenancy Branch