



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNRL, MNDCL, FFL

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "Act") on July 14, 2021. The Landlord applied for a monetary order for unpaid rent, a monetary order for compensation for monetary loss or other money owed and, to recover the filing fee paid for the application. The matter was set for a conference call.

The Landlord 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 testified that the Application for Dispute Resolution and the Notice of Hearing document had been mailed to the Tenant on July 15, 2021. The Landlord was asked to provide proof of this service; the Landlord testified that they had not submitted any evidence to prove this service.

The Residential Tenancy Branch Rules of Procedure goes on to state that an applicant must be prepared to provide proof of service:

### **"3.5 Proof of service required at the dispute resolution hearing**

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure."

As the service of the Notice of Dispute Resolution Hearing documents cannot be verified, I find that the Tenant had not been duly served in accordance with section 59 of the *Act*.

Therefore, I dismiss the Landlord's application for monetary order for unpaid rent and a monetary order for compensation for monetary loss or other money owed with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Additionally, I dismiss the Landlord's application to recover the filing fee paid for this application without leave to reapply.

### Conclusion

I dismiss the Landlord's application for monetary order for unpaid rent and a monetary order for compensation for monetary loss or other money owed with leave to reapply.

I dismiss the Landlord's application to recover the filing fee paid for this application 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: January 27, 2022

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Residential Tenancy Branch