



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL-S, MNDCL-S, FFL

Introduction

This hearing was scheduled to convene at 11:00 a.m. on May 17, 2022 concerning an application made by the landlord seeking the following relief:

- an Order of Possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and
- to recover the filing fee from the tenants for the cost of the application.

The landlord was represented at the hearing by an agent who is the landlord's son, and gave affirmed testimony. However the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenants joined the call.

The landlord testified that the tenants were served with the Notice of Dispute Resolution Proceeding package on March 19, 2022, as permitted by a Substitutional Service order previously obtained, permitting the landlord to serve the tenants by email. The order states: "I order the landlord to provide proof of service of the e-mail which may include a print-out of the sent item, a confirmation of delivery receipt, or other documentation to confirm the landlord has served the tenant in accordance with this order. If possible, the landlord should provide a read receipt confirming the e-mail was opened and viewed by the tenant."

The landlord was permitted to provide proof of such service after the hearing had concluded. However, despite attempts by an Information Officer to remind the landlord to do so, the landlord has not provided any proof of service.

Therefore, I dismiss the landlord's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of the application.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed 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: May 30, 2022

Residential Tenancy Branch