



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL-S, FFL

### Introduction

On September 20, 2021, the Landlord made an Application for Dispute Resolution seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “*Act*”), seeking to apply the security deposit towards this debt pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

I.A. and F.M. attended the hearing as agents for the Landlord; however, the Tenant did not make an appearance at any point during the 19-minute teleconference. At the outset of the hearing, I informed the parties that recording of the hearing was prohibited and they were reminded to refrain from doing so. As well, only F.M. was required to provide a solemn affirmation.

I.A. advised that the Notice of Hearing and evidence package was served to the Tenant by registered mail on September 28, 2021 (the registered mail tracking number is noted on the first page of this Decision). He stated that the address used for service was found using the services of a skip tracer; however, he did not submit any documentary evidence to confirm this. As well, he stated that he had a land title document demonstrating that this address was also the Tenant’s, but he did not submit this as documentary evidence either. The reason for this evidence not being submitted was due to an oversight.

In addition, he could not definitively state what happened to this registered mail package. Given the lack of evidence demonstrating that this was a valid address for service for the Tenant, I am not satisfied that the Tenant has been duly served the

Landlord's Notice of Hearing and evidence package. As such, I dismiss the Landlord's Application with leave to reapply.

As the Landlord was unsuccessful in this Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this Application.

### Conclusion

The Landlord's Application with respect to monetary compensation is 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 16, 2022

---

Residential Tenancy Branch