



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDCT, MNRT, RPP

Introduction

This hearing was scheduled to convene at 11:00 a.m. on June 14, 2022 concerning an application made by the tenant seeking the following relief:

- a monetary order for return of all or part of the pet damage deposit or security deposit;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- a monetary order for the cost of emergency repairs; and
- an order that the landlord return the tenant's personal property.

The tenant attended the hearing and gave affirmed testimony. The tenant was also accompanied by a translator, who was affirmed to well and truly interpret the hearing from the English language to the tenant's Native language and from the tenant's Native language to the English language, to the best of the interpreter's skill and ability. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the landlord joined the call.

The tenant testified that the landlord was served with the Notice of Dispute Resolution Proceeding and other required documents by registered mail on April 1, 2022, which was returned marked "Unclaimed." The tenant has provided a photograph of the envelope sent to the landlord with a registered mail sticker. The tenant testified that the landlord was served at the address of the rental unit.

The tenant is required to serve the landlord at the landlord's address, not at the rental unit. The tenant also provided testimony that a fire at the rental unit required the assistance of 20 fire fighters. I am not satisfied that the landlord has been properly

served, in that if the rental unit is not occupied by the landlord, the tenant has not served the landlord. Therefore, I dismiss the tenant's application with leave to reapply.

Conclusion

For the reasons set out above, the tenant'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: June 21, 2022

Residential Tenancy Branch