



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNDL-S, MNRL-S, MNDCL-S, FFL**

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords filed on December 7, 2021 under the *Residential Tenancy Act* (the “Act”) for a monetary order for unpaid rent loss of rent, and damages to the rental, for an order to retain the security deposit in partial satisfaction of the claim and to recover the cost of the filing fee

Only the landlord appeared. As the tenants did not appear service of the Application for Dispute Resolution and Notice of Hearing was considered.

The landlord indicated they did not receive any documentation from the Residential Tenancy Branch and they called and left a message two days ago. However, their call has not been returned.

In this case, the digital file shows that on December 31, 2021, the landlord was sent by email, at the email address they provided as service, with five documents. This included the documents to serve upon the respondents. While the landlord indicated they did not receive them; however, the landlord had to have had them in order to call into this hearing.

Further, I note the digital files show the Residential Tenancy Branch staff returned the landlords call on August 3, 2022 and there was no answer and no voice mail was available.

As the tenants were not served with the landlord’s application, I find I must dismiss the landlord’s application 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: August 04, 2022

Residential Tenancy Branch