



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **MNRL, FFL**

### Introduction

This hearing was convened as a result of the Landlords' Application for Dispute Resolution, made on April 28, 2022 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent ; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 1:30pm on January 26, 2022 as a teleconference hearing. The Landlords' Agent appeared and provided affirmed testimony. No one appeared for the Tenant. The conference call line remained open and was monitored for 11 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Landlords' Agent and I were the only persons who had called into this teleconference.

At the start of the hearing, the Landlords' Agent stated that they did not serve the Notice of Hearing to the Tenant, as the Tenant did not provide the Landlords with a forwarding address for service.

### Preliminary Matters

Section 89(1) of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Hearing. The Notice must be given in one of the following ways; by leaving a copy with the Tenant (personal service); or, by sending a copy by registered mail to the address at which the Tenant resides.

As the Tenant did not appear at the time of the hearing, and the Landlords' Agent stated that they did not serve the Tenant with the Application and documentary evidence package, I find that the Landlords' Application is dismissed with leave to reapply. This does not extend any time limits set out in the Act.

The Landlords are at liberty to apply for substituted service must be able to demonstrate two things:

- that the party to be served cannot be served by any of the methods permitted under the Legislation, and
- that there is a reasonable expectation that the party being served will receive the documents by the method requested.

### Conclusion

The Landlords did not serve the Tenant with the Application and documentary evidence package. As such, the Landlords' Application 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: January 26, 2023

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Residential Tenancy Branch