



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR-DR, FFL

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a residential tenancy dispute. On March 17, 2022 the landlord applied for:

- a monetary order for unpaid rent, having served a 10 Day Notice to End Tenancy for Unpaid Rent, dated March 4, 2022; and
- the filing fee.

The hearing was attended by the landlord's agent ("the landlord") who was affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

### Procedural History and Preliminary Matter

This hearing was reconvened after it was adjourned on August 19, 2022. This decision should be read in conjunction with the Interim Decision issued on August 19, 2022.

The hearing was adjourned to allow the landlord to apply for substituted service, as explained in the Interim Decision, to enable them to serve the hearing materials on the tenants as required by the Act and the Rules of Procedure.

In the reconvened hearing, the landlord testified they had not applied for substituted service and had not served the hearing materials on the tenants.

Rule 3.5 of the [Rules of Procedure](#) states:

**3.5 Proof of service required at the dispute resolution hearing**

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

As the landlord did not serve the tenants as required by the Act and the Rules of Procedure, the landlord's application is dismissed with leave to reapply.

Conclusion

The landlord's application is dismissed.

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 05, 2023

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Residential Tenancy Branch