



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a tenancy. The landlord applied on December 16, 2022 for:

- recovery of money for unpaid rent and/or utilities, requesting to retain the security and/or pet damage deposit;
- the tenant to pay to repair damage that they, their pets, or their guests caused during the tenancy, requesting to retain the security and/or pet damage deposit;
- compensation for monetary loss or other money owed, requesting to retain the security and/or pet damage deposit; and
- recovery of the filing fee.

The hearing teleconference was attended by the landlord's agent ("the landlord"), but not the tenant. The landlord was affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The landlord testified they had not been able to serve the Notice of Dispute Resolution Proceeding (NDRP) package on the tenant.

Rule 3.5 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 testified they did not serve the NDRP on the tenant, and the tenant was not present at the hearing, I find the landlord has not demonstrated the tenant was served with the NDRP as required.

Therefore, the landlord's 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: February 14, 2023

Residential Tenancy Branch