



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 Landlord's Application for Dispute Resolution, made on June 20, 2022 (the "Application"). The Landlord 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 March 13, 2023 as a teleconference hearing. The Landlord attended the hearing at the appointed date and time. No one appeared for the Tenants. 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 Landlord and I were the only persons who had called into this teleconference.

I note that the Landlord had applied for Substituted Service. In the September 6, 2022 Substituted Service Decision, the Landlord was granted permission to serve Tenant T.H. with the Application by email. I note that the Decision also directs the Landlord to:

"I order the landlord to provide proof of service of the e-mail which may include a print-out of the sent item, a confirmation of delivery receipt, or other documentation to confirm the landlord has served Tenant T.H. in accordance with this order. If possible, the landlord should provide a read receipt confirming the e-mail was opened and viewed by Tenant T.H."

At the start of the hearing, the Landlord stated that they served the Tenants with the above mentioned documentation by email. I note that the Landlord has not provided any

evidence of service in support, despite being ordered to in the September 6, 2022 Decision. As the Landlord provided insufficient evidence to confirm service, and no one attended the hearing for the Tenants, I dismiss the Landlord's Application WITH leave to reapply. Leave to reapply does not extend any statutory time limits.

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: March 13, 2023

Residential Tenancy Branch