



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNDCT

Introduction

On July 7, 2022, the Tenant applied for dispute resolution seeking money owed or compensation for damage or loss under the *Residential Tenancy Act* (“the Act”), Regulation, or tenancy agreement.

The matter was set as a teleconference hearing. The Tenant attended the hearing; however, the Landlord did not.

The Tenant testified that she has no address for the Landlord, so she served the Notice of Dispute Resolution Proceeding to the Landlord using email. The Tenant was asked whether she had applied to the Residential Tenancy Branch for a substituted service order and had been granted authorization to serve the Landlord using email. The Tenant replied “no.” She stated that she was not aware that she could apply for a substitute service order.

I explained to the Tenant that it would be unfair to proceed with this hearing since the Landlord was not properly served with notice of this proceeding and the monetary claim of \$23,000.00 against him.

I find that the Tenant failed to serve the Landlord with the Notice of Dispute Resolution Proceeding in accordance with sections 89 of the Act.

The Tenant’s application is dismissed in its entirety with leave to reapply. The Tenant is also at liberty to apply for a substituted service order.

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 28, 2023

Residential Tenancy Branch