



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

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

Introduction

This hearing dealt with an application filed by the landlord pursuant the *Residential Tenancy Act* (the “Act”) for:

- A monetary order for unpaid rent pursuant to sections 26 and 67;
- A monetary order for damages caused by the tenant, their guests to the unit, site or property and authorization to withhold a security deposit pursuant to sections 67 and 38;
- A monetary order for damages or compensation pursuant to section 67; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 2:00 P.M. to enable the tenant to call into this teleconference hearing scheduled for 1:30 P.M. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

Preliminary issue – service of the Notice of Dispute Resolution Proceedings

The landlord attended the hearing and testified that he did not serve the tenant with the Notice of Dispute Resolution Proceedings package, or the substituted service order granted by the arbitrator on March 16, 2023. The tenant testified that he misunderstood the application for substituted service that he sought, believing the Residential Tenancy Branch would serve the tenant with the Notice of Dispute Resolution Proceedings package on his behalf.

The landlord testified that he did not open the attachment **S_910102082_20230316.pdf** provided with the Notice of Dispute Resolution Proceedings which provided the following order:

I order the landlord to provide proof of service of the e-mail which may include a printout of the sent item, a confirmation of delivery receipt, or other documentation to confirm the landlord has served the tenant in accordance with this order. If possible, the landlord should provide a read receipt confirming the e-mail was opened and viewed by the tenant. The landlord is to ensure that they upload a copy of the proof of service to the digital file by using their unique codes.

As the landlord has not served the tenant with the Notice of Dispute Resolution Proceedings package or the arbitrator's substituted service order, I dismiss the landlord's application seeking a monetary order with leave to reapply.

I dismiss the application seeking to recover the filing fee for this application without leave to reapply.

Conclusion

The landlord's application is dismissed with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*, including the deadlines for applying for dispute resolution or for returning security deposits at the end of a tenancy.

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: April 13, 2023

Residential Tenancy Branch