



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR MNDL MNRL MNDCL FFL

Introduction and Analysis

This dispute relates to the tenant's Application for Dispute Resolution seeking remedy under the *Residential Tenancy Act* (Act) for the following:

1. Order of possession for unpaid rent,
2. Monetary claim of \$12,700 for unpaid rent, damages, and filing fee.

The landlord and their agent attended the teleconference hearing. The tenants did not attend the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated January 3, 2023 (Notice of Hearing), application and documentary evidence (Hearing Package) were considered. The agent testified that they had no way to serve the tenants as they vacated the rental unit on December 29, 2022 and have failed to provide a written forwarding address.

Based on insufficient evidence regarding service of the Hearing Package, I am not satisfied that the tenants have been sufficiently served under the Act. Both parties have the right to a fair hearing. The tenants would not be aware of the hearing and the reason for the hearing without having received the Hearing Package. Therefore, **I dismiss** the landlord's application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the Act.

I decline to grant the filing fee due to the service issue.

Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

The filing fee is not granted.

The landlord was provided details on other ways to serve including, but not limited to, through a process server.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 28, 2023

Residential Tenancy Branch