



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding WOODSMERE HOLDINGS CORP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S FFL

Introduction and Analysis

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

1. \$2,672 in unpaid rent and filing fee,
2. Retain security deposit and/or pet damage deposit.

The agent attended the teleconference hearing. The tenant did not attend the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated September 20, 2022 (Notice of Hearing), application and documentary evidence (Hearing Package) were considered. The agent testified that the person who applied no longer was employed with the landlord company. In addition, the landlord did not include an email address for the landlord and confirmed they were not provided a written forwarding address from the tenant who vacated on July 24, 2022.

Based on insufficient evidence regarding service of the Hearing Package, and considering that there was no email address listed for the tenant in the application before me, I am not satisfied that the tenant has been sufficiently served under the Act. Both parties have the right to a fair hearing. The tenant 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** as I am not satisfied that the tenant has been sufficiently served with the Hearing Package. 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.

The tenant has until July 24, 2023, to provide their written forwarding address to the landlord. If the tenant fails to do so, all deposits automatically become the property of the landlord without having to apply for dispute resolution under the Act.

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.

This decision will be emailed to the landlord and cannot be sent to the tenant as there is no email address or current mailing address for the tenant.

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: May 16, 2023

Residential Tenancy Branch