



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNRL, MNDCL, FFL

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "Act"), made on August 24, 2022. The Landlord applied for a monetary order for unpaid rent, monetary order for compensation for monetary loss or other money owed, and to recover the filing fee paid for the application. The matter was set for a conference call.

The Landlord attended the hearing was affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Landlord testified that they served they personally served the Tenant the Application for Dispute Resolution, and the Notice of Hearing documents. The Landlord was asked to testify to the date of that service, The Landlord testified that they could not speak to the date of service as they did not have the paperwork for their application or their evidence with them.

The Landlord was reminded that they must make presentations regarding their claim and the service of documents during these proceedings. The Landlord testified that they were not aware that they would have to make presentations during these proceedings, stating that they were unfamiliar with the process.

The Landlord was provided with additional time to collect their evidence; however, the Landlord remained unable to speak to the date of the service of the Application for Dispute Resolution, and the Notice of Hearing documents to the Tenant. As the

Landlord was unable to testify to the date of the service, I find that I am not able to confirm the details of the service of these documents to the Tenant.

As I cannot confirm that these documents were served within the required timeline, I must find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Landlord's application monetary order for unpaid rent and a monetary order for monetary loss or other money owed with leave to reapply.

I dismiss the Landlord's application to recover the filing fee paid for this application without leave to reapply.

This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Landlord's application monetary order for unpaid rent and a monetary order for monetary loss or other money owed with leave to reapply.

I dismiss the Landlord's application to recover the filing fee paid for this application without leave to reapply.

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: May 29, 2023

Residential Tenancy Branch