



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding 1600 DAVIE LIMITED PARTNERSHIP  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNRL-S, MNDL-S,

### Introduction and preliminary matters

On September 13, 2022, the Landlord made an Application for Dispute Resolution seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “Act”) and seeking to apply the security deposit and pet damage deposit towards these debts pursuant to Section 67 of the *Act*.

D.B. attended the hearing as an agent for the Landlord; however, neither Tenant attended the hearing at any point during the 13-minute teleconference. At the outset of the hearing, I informed D.B. that recording of the hearing was prohibited, and he was reminded to refrain from doing so. As well, he provided a solemn affirmation.

He advised that a separate Notice of Hearing package was served to each Tenant by email on September 29, 2022, because neither Tenant provided a forwarding address in writing. He acknowledged that the Landlord never applied for Substituted Service to receive permission to serve these documents in that manner, nor did the Landlord have prior consent in writing to exchange documents with the Tenants via email.

Consequently, I am not satisfied that the Notice of Hearing packages were sufficiently served to either Tenant. Therefore, I dismiss this Application with leave to reapply.

### Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: June 6, 2023

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Residential Tenancy Branch