



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNRL, FFL

Introduction

This hearing was scheduled to convene at 9:30 a.m. on October 10, 2024 concerning an application made by the landlord seeking a monetary order as against the tenant for unpaid rent or utilities, and to recover the filing fee from the tenant for the cost of the application.

The landlord attended the hearing, and the tenant attended at 9:39 a.m., but the tenant's telephone connection was very poor, and I could not hear the tenant. The tenant disconnected from the call at 9:43 a.m. and dialed back in twice, but I still could not hear the tenant.

The landlord has provided a Proof of Service document indicating that the tenant was served with the Notice of Dispute Resolution Proceeding by email on August 6, 2024, as well as an Application for Substituted Service seeking an order permitting the landlord to serve the documents by email, but no order has been granted. I am satisfied that the tenant has received the Notice of Dispute Resolution Proceeding, however the law requires a party who makes an application to serve it within 3 days of receiving the documentation from the Residential Tenancy Branch, and the deadline for service was August 4, 2024.

Since the landlord has not served the tenant within 3 days, I dismiss the landlord's application with leave to reapply. I have made no findings of fact or law with respect to the merits of the landlord's Application.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed in its entirety with 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: October 10, 2024

Residential Tenancy Branch