



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNDC FF

This hearing dealt with the Landlord's Application for Dispute Resolution, made on October 31, 2017 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property;
- a monetary order for unpaid rent or utilities;
- a monetary order for money owed or compensation for damage or loss; and
- an order granting recovery of the filing fee.

The Landlord attended the hearing and provided affirmed testimony. The Tenant did not attend the hearing.

At the beginning of the hearing, the Landlord testified that the Application package was served on the Tenant by courier at the Tenant's place of work. He advised that the Application package was accepted at the Tenant's place of work, but that he could not confirm it was the Tenant who received it.

Section 89 of the *Act* confirms that an application for dispute resolution must be served on a tenant in person, or by registered mail to the address where the tenant resides or to a forwarding address provided by the tenant. While I have no doubt the Landlord was earnest in his attempts to serve the Tenant with the Application package, I find there is insufficient evidence before me to reasonably conclude the Tenant was served with and received the Application package in accordance with the *Act*. I also note that principles of procedural fairness and natural justice require that a party to a dispute resolution proceeding has a right to know the claim against them and to be given an opportunity to participate. In this case, I find there is insufficient evidence to confirm the Tenant was provided with these opportunities. As a result, I find that the Application is dismissed, with leave to reapply. This is not an extension of any applicable statutory deadline.

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, 2018

Residential Tenancy Branch