



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-S, MNRL-S, FFL

### Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for a Monetary Order for damages and unpaid rent, to retain the security deposit towards money owed and for the recovery of the filing fee paid for this application.

The Landlord was present for the teleconference hearing while no one called in for the Tenants during the approximately 22-minute hearing. As the Tenants were not present, service of the Notice of Dispute Resolution Proceeding (the “Notice of Hearing”) was addressed.

The Landlord stated that the Notice of Hearing and copies of his evidence was sent to the Tenants by registered mail. The Landlord testified that the registered mail was returned to him as unclaimed due to the recipient not residing at that address. Attempts to serve the Tenants in person have not been successful.

In accordance with the *Residential Tenancy Branch Rules of Procedure*, a party has a right to know the claims against them, to submit evidence and attend the hearing. As the Tenants were not served with the Notice of Hearing documents, I am not able to confirm that they were aware of the claims against them or aware of the hearing.

### Issues to be Decided

Is the Landlord entitled to a Monetary Order for damages?

Is the Landlord entitled to a Monetary Order for unpaid rent?

Should the Landlord be allowed to retain the security deposit towards money owed?

Is the Landlord entitled to the recovery of the filing fee paid for this Application for Dispute Resolution?

Analysis

I am not satisfied that the Tenants were duly served with the Notice of Dispute Resolution Proceeding package in accordance with the *Act*, and I therefore dismiss this Application for Dispute Resolution with leave to reapply.

Conclusion

The Landlord's application is dismissed with leave to reapply due to a service issue.

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: July 16, 2018

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Residential Tenancy Branch