



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HAROB HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNRLS, FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for a monetary order in the amount of \$6,528.00 for unpaid rent or utilities, to retain the tenant's security deposit and/or pet damage deposit and to recover the cost of the filing fee.

A former agent for the landlord and a current agent for the landlord ("agents") attended the teleconference hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. The agents stated that the tenant has not provided a written forwarding address to the landlord and as a result, the tenant was served at an address which the agents' stated was obtained from a manager of another building ("manager"). The agents failed to submit any documentation from the manager to confirm that the address to which the tenant was served by registered mail was where the tenant resided at the time the registered mail was sent to the tenant.

I have included two registered mail tracking numbers on the cover page of this decision provided orally by the agents, for ease of reference. Both registered mail tracking numbers were confirmed via the Canada Post registered mail tracking website as not having been picked up and one of which was returned to sender as of the date of the hearing. The agents confirmed they have not applied for substitute service under the *Act*.

Based on the above, and taking into account that the tenant did not attend the hearing, **I am not satisfied** that the tenant was sufficiently served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that landlord failed to submit any supporting documentation such as a witness statement from the manager confirming that the tenant lived at the address at

the time in which the landlord served the Notice of Hearing and application on the tenant.

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application. Therefore, **I dismiss** the landlord's application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee due to the service issue.

The decision will be emailed to the landlord at the email address provide by the agent during the hearing. The tenant will be sent the decision by regular mail as the application did not contain an email address for the tenant.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 9, 2018

---

Residential Tenancy Branch