



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCL-S, FFL

### Introduction and Preliminary Matters

On July 17, 2020, the Landlord applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “*Act*”), seeking to apply the security deposit towards this debt pursuant to Section 67 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, the Tenant did not make an appearance during the 60-minute hearing. All parties in attendance provided a solemn affirmation.

The Landlord advised that he served the Tenant two Notice of Hearing packages by registered mail on July 21, 2020. He stated that he served one package to the Tenant’s address on his driver’s licence; however, according to the evidence he submitted, he sent this to the wrong address as he wrote the incorrect address on the form. As such, I am not satisfied that the Tenant was served this Notice of Hearing package.

He stated that he served the second package to a different unit in the building that he currently lives in because it is his belief that the Tenant lives in this specific unit. While he has seen the Tenant many times in the building, he did not submit any evidence to corroborate that the Tenant lives in the particular unit that he served this second Notice of Hearing package to.

Based on this testimony, as there was insufficient evidence that the Tenant lived at the address where the second Notice of Hearing package was mailed, I am not satisfied that the Tenant was served the second Notice of Hearing package either. As I am not satisfied that the Tenant has been served a Notice of Hearing package, I have dismissed the Landlord’s Application with leave to reapply.

As the Landlord was not successful in this Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

Based on the above, the Landlord's Application is dismissed 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: November 9, 2020

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Residential Tenancy Branch