



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

At the outset of the hearing held in June, 2010 the landlord agent states that the tenant was not sent the hearing documents and notice of the hearing until April 20, 2010 and the application for Dispute Resolution was filed on March 08, 2010.

Section 59(3) of the Act says that an applicant must serve the other Parties with his application within 3 days of making it, or within a different period specified by the director. At the hearing on June 25, 2010, the landlords' agent was ordered to re-serve the hearing packages within 3 days of receiving a copy of the Reconvened Hearing Notice and the hearing was adjourned.

At the reconvened hearing held today the landlords agent states she did not re-send the hearing package to the tenant within three days of receiving a Notice of reconvened hearing. In the circumstances, I find that the landlords' agent has not re-served the tenant and has provided no evidence that the tenant was served with any of the hearing documentation at the forwarding address provided by him at the end of the tenancy.

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the tenant was serviced with the hearing documents or the landlords' evidence in accordance with the section 89 of the *Act*, I dismiss the landlord's application with leave to reapply.



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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: August 20, 2010.

Dispute Resolution Officer