



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant for a Monetary Order for loss under the Act, regulation or tenancy agreement and to recover the cost of the filing fee from the Landlord for this application.

Issue(s) to be Decided

Is Tenant entitled to a Monetary Order under sections 67 and 72 of the *Residential Tenancy Act*?

Background and Evidence

The Tenant appeared, testified and provided evidence that service of the Notice of Dispute Resolution package, dated August 24, 2010, was sent to the Landlord via registered mail on August 30, 2010.

Analysis

The evidence and testimony supports the Notice of Dispute Resolution package was sent via registered mail to the Landlord six days after making the application.

I find that service of the Notice of Dispute Resolution was not effected in accordance with Section 59 (3) of the *Residential Tenancy Act* which states that a person making an application for dispute resolution must give a copy of the application to the other party within 3 days of making it.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring compliance with the Act. As I have found the service of documents not to have been timely submitted in accordance with the Act, I **dismiss** the Tenant's claim, **with leave to reapply**.

As the Tenant has not been successful with his application, I find that he is not entitled to recover the cost of the filing fee from the Landlord.

Conclusion

I HEREBY DISMISS the Tenant's claim, 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: October 28, 2010.

Dispute Resolution Officer