



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      CNC, MNDC, OLC, FF, O

### Introduction

On January 13, 2010 the Residential Tenancy Branch received an Application for Dispute Resolution from the tenant. On January 18, 2010 the Residential Tenancy Branch scheduled a date and time for a hearing and prepared Notices of Hearing for the tenant to pick up from the Duncan Service BC office. The tenant did not pick up the hearing packages and the landlord was not served with the tenant's application, evidence or Notice of Hearing.

At the date and time scheduled to hear the tenant's application both the landlord and tenant appeared at the hearing. The landlord testified that he learned of the hearing by contacting the Residential Tenancy Branch the day before the scheduled hearing to make an enquiry. The landlord notified the tenant of the hearing date and time.

The tenant explained he did not get a phone call informing him the hearing packages were ready for pick up. I noted that the tenant did not provide telephone numbers in making his application.

I determined that this proceeding was not starting in accordance with section 59 of the Act as the landlord was not served with the tenant's application; therefore, I refused to accept the application.

Both parties claimed to have served evidence upon the Residential Tenancy Branch to support their respective positions; however, the evidence was not served in accordance with the requirements of the Act or Rules of Procedure and I could not accept or consider it. The parties were offered the opportunity to reach a mutual agreement to resolve their dispute; however a mutual agreement was not reached. Accordingly, the parties were informed of their respective rights to make future Applications for Dispute Resolution.

Conclusion

I refused to accept the tenant's application pursuant to section 59 of the Act.

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: February 01, 2011.

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Residential Tenancy Branch