



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, MNSD

Decision and reasons

No hearing was held because the applicants did not serve the notice of hearing and dispute resolution papers on the respondent's within the time limit required under the Residential Tenancy Act, and I am therefore not willing to proceed with this matter.

Section 59(3) of the Residential Tenancy Act states:

59 (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution **must give a copy of the application to the other party within 3 days of making it**, or within a different period specified by the director.

In this case the application was made on July 19, 2011, and the landlord did not serve the documents until July 29, 2011, a full 10 days after the application was made.

Conclusion

This application is dismissed with leave to reapply, and I order that the applicants bear the \$50.00 cost of the filing fee that was paid for this application.

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 17, 2011.

Residential Tenancy Branch