



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an application by the tenant for monetary compensation for damage or loss under the Act, the regulation or the tenancy agreement. The tenant and two agents for the landlord participated in the teleconference hearing.

Preliminary Issue – Service of the Application for Dispute Resolution

At the outset of the hearing, the agents for the landlord stated that they were unable to serve the tenant with their evidence because they did not receive the tenant's application for dispute resolution, which indicated the tenant's address for service of documents and the specifics of the tenant's claim against the landlord.

The tenant stated that a friend sent the hearing package to the landlord by registered mail. The tenant herself could not verify the contents of the package sent to the landlord, and the tenant's friend was not available to provide testimony verifying service.

I accept the testimony of the landlord's agent that they did not receive a copy of the tenant's application for dispute resolution. An applicant for dispute resolution is required to provide the respondent with a copy of their application, so that the respondent may know the case against them, and so that the respondent may serve the applicant with their evidence. I find that the tenant failed to properly serve the landlord with her application.

Conclusion

The tenant's application is dismissed with leave to reapply. I note this does not extend any applicable deadlines under 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: December 19, 2011.

Residential Tenancy Branch