



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

This hearing was scheduled to deal with the Tenant's Application for Dispute Resolution, seeking a monetary order for compensation under the Act, and to recover the filing fee for the Application. The Tenant and an Agent for the Landlord appeared. The Agent for the Landlord requested an adjournment, as the Landlords had not been served with the Notice of Hearing and Application of the Tenant until August 22, 2012.

The evidence indicates the Tenant filed his Application and received the Notice of Hearing to serve on the Landlords on June 25, 2012. The hearing was scheduled for today, August 30, 2012. The Tenant stated he sent the Landlords the Application and Notice of Hearing by "certified" mail and he believed it was sent approximately two weeks ago. In evidence the Landlords submitted a copy of the envelope they received from the Tenant. The post office stamp on the registered mail envelope is dated August 21, 2012, nine days before the hearing.

The Tenant was provided a factsheet when he received the hearing documents that the Notice of Hearing and Application must be served on the Respondent Landlords within **three** days of receiving these from the Branch, pursuant to section 59 of the Act. I find the Tenant failed to serve the Landlords as required under section 59 of the Act.

The Respondents in any claim have a right to both timely notice of the claims being made against them and to have sufficient time to prepare for a hearing.

In this instance, the Tenant's hearing documents were served on the Landlords some 57 days after he received the Notice of Hearing. I find this delay has prejudiced the Landlords' ability to prepare for the hearing. Therefore, I dismiss the Application of the Tenant with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 30, 2012.

Residential Tenancy Branch