



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution filed on October 20, 2012 seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant, the landlord, his agent, and a translator.

The tenant provided documentary evidence the landlords were served with the notice of hearing documents, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on January 10, 2013 in accordance with Section 89.

All respondent landlords provided written submissions prior to the hearing indicating that they just received the tenant's Notice of Hearing Documents on either January 10 or 11 2013 and that the tenant had not included a copy of his Application for Dispute Resolution outlining what his claim was and what it was for.

Section 59 of the *Act* stipulates that a party who files an Application for Dispute Resolution must submit the Application in the applicable approved form and include the full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

Section 59(3) requires that 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. Based on the submissions and testimony provided by all parties I find the tenant provided the landlord with only the notice of hearing documents and not a copy of his Application. I also find that tenant did not even provide the notice of hearing documents until 2 ½ months after making his Application.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for compensation for damage or loss resulting from a violation of the *Act*, regulation or tenancy agreement and to recover the filing fee from the landlords for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Conclusion

As the tenant failed to serve the parties with a copy of his Application at all prior to the hearing, and pursuant to Section 59(3) I dismiss the tenant's Application 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: January 22, 2013

