



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF O

Introduction

This hearing dealt with an application by the tenant for an order that the landlord comply with the Act. The tenant also requested recovery of the filing fee from the landlord.

The landlord was not in attendance at the hearing.

In this regard, I asked the tenant's representative Mr. M whether the landlord had in fact been served with the tenant's Application for Dispute Resolution and the Notice of Hearing. Mr. M testified that there was a lengthy delay in serving the package such that it was not given to the landlord until late December – approximately one month after the Application filing date of November 18, 2013.

Mr. M testified that the tenant would not allow him to send the hearing packages to the landlord because she was afraid of threats she alleges they made to have her deported.

Mr. M further testified and stated in e-mails to the RTB that he wanted to delay the hearing of this matter due to interference by the RCMP in this matter and that he was concerned that if this matter was dismissed the tenant would lose her \$50 filing fee.

While I recognize the tenant's concern about the filing fee, I am not satisfied that the landlord has been sufficiently served with the Application for Dispute Resolution and Notice of Hearing such that I can either proceed with a hearing today or adjourn this matter to allow more time for service.

I note that on several occasions during this 40 minute call I tried to determine what precisely Mr. M wanted me to do and I spoke briefly with the tenant herself but I was unable to find a resolution that satisfied the tenant's desire to recover her filing fee and ensured that the landlord was even aware of this hearing.

Approximately 40 minutes into this hearing (which was largely Mr. M talking in a very agitated manner) the tenant fell off the line. I waited for a minute but given that I had already told the tenant that I could not proceed today or adjourn this matter to a new date I closed the conference call.

This application is dismissed 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 14, 2014

Residential Tenancy Branch