



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Langley Quarter Midget Association
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC, MNDC

Introduction / Background / Evidence

A previous hearing was held in a dispute between these parties on March 28, 2014, with a decision issued by that same date (file # 818667).

The present hearing was scheduled in response to the tenant's application for cancellation of a 1 month notice to end tenancy for cause, in addition to a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement. The tenant attended and gave affirmed testimony.

As the landlord was not present at this hearing, I inquired of the tenant how she had served the landlord with her application for dispute resolution and the notice of hearing (the "hearing package"). In response, the tenant testified that she had not served the hearing package on the landlord.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Rules of Procedure, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 52 of the Act addresses **Starting proceedings**, and provides in part:

52(3) 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 the application, or within a different period of time specified by the director.

Section 54 of the Act addresses **Setting down dispute for hearing**, and provides in part:

54 If an application for dispute resolution is properly completed and is accepted by the director, the director must set the matter down for a hearing,

(a) if the hearing is to be oral, specify the date, time and place of the hearing, and...

In the circumstances of this dispute, the tenant filed her application for dispute resolution on May 07, 2014, and the Branch provided her with a "notice of a dispute resolution hearing" which is also dated May 07, 2014. As previously noted, the tenant did not subsequently serve the landlord with the hearing package, and the landlord did not appear at the hearing.

Conclusion

In the absence of service of the tenant's hearing package on the landlord, the tenant's application is hereby 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 *Manufactured Home Park Tenancy Act*.

Dated: June 25, 2014

Residential Tenancy Branch

