



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MND, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for damage to the rental unit, unpaid rent, damage or loss under the Act, to retain the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that he believes the tenant was given the hearing documents on July 24, 2014. Service took place at the tenant's place of work by personal delivery.

The landlord completed the application for dispute resolution and dated it on July 24, 2014. The application was submitted via a Service BC office. The application was then date-stamped by the Residential Tenancy Branch on July 28, 2014. The Notice of hearing, setting out the conference call dialing instructions and the time and date of the hearing was issued on July 30, 2014; the date the landlord paid for the application.

The landlord could not be sure when the tenant may have been given the Notice of Dispute Resolution Hearing that was issued on July 30, 2014. It is the Notice of hearing that informs a party of the hearing conference call details.

The Rules of Procedure determined that the date of payment is considered the date the application for dispute resolution has been made. It is not possible to serve a respondent with the application before the application has been made and the Notice of hearing issued. The landlord may have been confused about the dates certain documents were given to the tenant; however, in order to proceed with a hearing I must be confident that the other party has received the hearing documents, in accordance with the Rules of Procedure.

Therefore, in the absence of evidence of service of the complete hearing package on, or after July 30, 2014, I determined that the tenant had not been served with Notice of the hearing.

I find that the application is dismissed with leave to reapply within the legislated time-frame.

Conclusion

The application is dismissed with leave to reapply.

This decision is final and binding and 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 02, 2014

Residential Tenancy Branch

