



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPITAL CITY CENTRE LP & EMANUEL ARRUDA
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR.MND, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, for compensation for damage to the unit, site or property, for compensation for loss or damage under the Act, regulations or tenancy agreement, to retain the Tenant's security deposit and to recover the filing fee for this proceeding.

At the start of the conference call the Landlord requested to amend the application to just his name and not the company name. The Tenant had no objection. The request for amendment was accepted.

The Landlord Agent said he did not remember when he serviced the Tenants the Application and Notice of Hearing (the "hearing package") but it was by registered mail and it was after the 3 day time requirement in the Act. The Landlord said he made the application on August 8, 2014 and then had a number of communications with the Residential Tenancy Branch about the application between August 8, 2014 and August 27, 2014. The Notice of Hearing is dated August 27, 2014 and was issued that date. Consequently the Landlord should have served the Hearing package by September 1, 2014. The Act deems documents are served in 5 days after mailing if served by registered mail; therefore the Landlord's hearing package should have been received by the Tenant no later than September 6, 2014. The Tenant said they received the Landlord's hearing package on September 30, 2014. The Landlord said that the service was late because he was new to the process and did not understand all the paper work and requirements. The Residential Tenancy Branch includes specific instruction on service of the Hearing Package (must be served in 3 days) when the Notice of Hearing is given to the applicant/Landlord. This information is in the Landlord's evidence package and the Landlord said he did understand this as he made a request for late service. Based on the testimony of both the Landlord and the Tenant the Landlord did not meet the service requirements of the Act. Consequently I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's 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: March 16, 2015

Residential Tenancy Branch

