



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$500.00.

The applicant was affirmed.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on April 10, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing.

### Decision in reasons

It is my decision that I will not proceed with a hearing on this matter, because the applicant failed to serve a copy of the application for dispute resolution, or the notice of hearing, on the other party within the time limit required under the Residential Tenancy Act.

Section 59 of the Residential Tenancy Act states:

**59** (1) [Repealed 2006-35-83.]

(2) An application for dispute resolution must

- (a) be in the applicable approved form,
- (b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and

(c) be accompanied by the fee prescribed in the regulations.

(3) Except for an application referred to in subsection (6), **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, or within a different period specified by the director.** (My emphasis)

In this case the application was filed on March 14, 2015 however the applicant testified that they did not mail a copy of the application to the other party until April 10, 2015, well past the three day time limit.

### Conclusion

This application is dismissed in full 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: August 26, 2015

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Residential Tenancy Branch

