



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kenmark Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OLC, AAT, FF, RR

This matter was scheduled for a conference call at 10:00 a.m. on this date. Both parties participated in the teleconference. At the outset of the hearing the landlord stated that he was not provided the Notice of a Dispute Resolution Hearing document with today's date, time and passcode and was unclear as to what the tenant was applying for. The landlord advised that he only became aware of this hearing on November 12, 2015 after receiving some documentation from the tenant. The landlord stated that he only became aware of the time and date of this hearing by calling the Branch on November 12, 2015 to obtain the information. The landlord stated that he isn't quite sure what the tenant is seeking and with the late knowledge of today's hearing, he was unable to provide disputing documentary evidence.

The tenant stated that he personally served the documents to the resident caretaker on September 25, 2015. However, the tenant submitted a registered mail receipt that is dated September 25, 2015 that he states was to the resident caretaker. The tenant's testimony is in direct contradiction to his documentation that he has provided for this hearing. I find that the tenant has not supplied sufficient evidence to show that the landlord has been served the tenants claims or the Notice of Hearing Documents to ensure that the landlord has full notice of the claims being made against him in keeping with the principles of natural justice and in accordance with Section 89 of the Act. Based on the above I dismiss this application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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: November 23, 2015

Residential Tenancy Branch

