



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING ADVISORY ASSOCIATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes                      MNSD, MNDC, O

### Introduction

This hearing was scheduled to deal with a tenant's application for monetary compensation for damage or loss under the Act, regulations or tenancy agreement; and, return of the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions and to respond to the submissions of the other party.

At the outset of the hearing the landlord questioned service of the tenant's hearing package and evidence. I explored this issue and determined that the tenant had failed to serve the landlord with his hearing package in a manner that complies with the Act. The Act requires that the hearing package be served upon the respondent within three days of filing. The Act also requires that an applicant serve a monetary claim to the respondent either in person or by registered mail. Registered mail is a service offered by Canada Post that provides for a signature of the recipient. In this case, the tenant sent the hearing package to the landlord more than three days after the hearing package was provided to him by the Residential Tenancy Branch and he used a courier service.

Of further consideration was that the tenant's substantial monetary claim was not accompanied by a Monetary Order worksheet or written description as to what the amount represented or how it was calculated. The Act requires that an applicant provide full particulars in making their application which includes calculations where appropriate. The person assisting the tenant offered to explain the calculation of the amount claimed during the hearing; however, I found to do so would be procedurally unfair and violate the principles of natural justice since a respondent has the right to be fully informed of the nature of the dispute and the claims being made against them before the hearing commences.

In light of the above, I dismissed the tenant's application 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: November 24, 2015

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Residential Tenancy Branch

