



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of rent and for the filing fee. The tenant stated she served the landlord with a notice of hearing package, by regular mail on August 06, 2015. The tenant made her application on August 14, 2015 and therefore could not have served the landlord prior to making application.

Issue to be Decided

Was the landlord served with the notice of hearing pursuant to Section 88?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The landlord is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the tenant, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

Conclusion

The tenant'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: February 16, 2016

Residential Tenancy Branch

