



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pinnacle International Realty Group II Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNDC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for a monetary order for the cost of emergency repairs and for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

An agent for the landlord and the tenant attended the hearing, and the tenant was accompanied by an interpreter.

On March 24, 2016 the tenant received a notice of this hearing to serve on the landlord, and the *Residential Tenancy Act* requires that the tenant serve the application for dispute resolution and notice of the hearing within 3 days of making the application. The tenant advised through his interpreter that he served the documents by regular mail and was later advised that that the documents had to be served by registered mail. The tenant then served the landlord by registered mail on March 30, 2016 and proof of that has been provided. No other evidence has been provided by the tenant.

The landlord has provided 32 pages of evidence which was not received by the Residential Tenancy Branch within the time required. The tenant has not received any of it, and the landlord's agent advised that it was sent by registered mail to the forwarding address provided by the tenant, not to the address contained in the Tenant's Application for Dispute Resolution.

The landlord did not consent to waiving the 3 day requirement to serve the application for dispute resolution and notice of this hearing. Considering that the tenant did not serve the landlord within the time prescribed and the landlord has not provided evidentiary material as required, I find that it would be an injustice to hear the dispute in the absence of any evidence from either party. Therefore, I dismiss the tenant's application with leave to reapply.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: October 04, 2016

Residential Tenancy Branch