



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, LRE, OPT, AAT, LAT, FF, SS, O

Introduction and Preliminary Matter

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed August 30, 2016.

Only the Tenant appeared at the hearing. He gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me.

The Tenant also testified he attempted to serve the Landlord with the Notice of Hearing and his Application on several occasions but was unsuccessful doing so.

The Tenant confirmed that it was his intention to obtain monetary compensation from the Landlord at the hearing. In support he filed a Monetary Order Worksheet confirming that he sought the sum of \$25,000.00. The Application filed by the Tenant on August 30, 2016 did not include a claim for monetary compensation.

Residential Tenancy Branch Rules of Procedure 3.5 provides that an applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the hearing package and all evidence as required by the *Act* and the *Rules of Procedure*. The Tenant was unable to provide evidence that he served the Landlord in accordance with section 89 of the *Act*. As I was unable to find the Landlord was served with the Tenant's Application in accordance with the *Residential Tenancy Act*, I was unable to proceed with the hearing. Accordingly, the Tenant's claim is dismissed with leave to reapply.

The Tenant was cautioned during the hearing to ensure that he include all claims on his application for dispute resolution to provide the Landlord with adequate notice of the relief sought as well as an opportunity to answer to the Tenant's claims.

Conclusion

The Tenant failed to serve the Landlord in accordance with the *Residential Tenancy Act* and the *Residential Tenancy Branch Rules of Procedure*. 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: October 6, 2016

Residential Tenancy Branch

