



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, FF

### Introduction

This hearing was convened by way of conference call in response to the tenant's application for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the landlord for the cost of this application.

The tenant testified that she filed her application on June 03, 2016 but did not serve the landlord personally until two or three months later but could not recall the exact date. There was no appearance for the landlord at the hearing.

I have considered the tenant's delay in serving the landlord their hearing documents and refer the parties to section 59(3) of the *Act* provides that an applicant making an application must serve a copy of it along with the Notice of Hearing documents to the Respondent within three days of receiving the paperwork from the Residential Tenancy Branch. Rule 3.1 of the Residential Tenancy Branch Rules of Procedure also states:

### **3.1 Documents that must be served with the hearing package**

The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Application for Dispute Resolution;
- b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;

- c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC office with the Application for Dispute Resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an Application for Dispute Resolution*].

This service provision of the above documents is detailed within Fact Sheet 114 on the dispute resolution process which was provided to the tenant at the time she made her application.

Therefore, I find the tenant has failed to serve the landlord with the required documents as required by the *Act* and the Rules of Procedure. Therefore, I was unable to hear the tenant's application. As I did not hear any evidence in relation to the tenant's monetary claim, I dismiss the tenant's application with **leave to re-apply**.

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: December 01, 2016

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Residential Tenancy Branch