



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, FF, O

Introduction:

This hearing was convened in response to an Application for Dispute Resolution in which the Applicant applied for a monetary Order for money owed or compensation for damage or loss, to recover the fee for filing this Application for Dispute Resolution, and for "other".

Issue(s) to be Decided:

Is the Applicant entitled to a rent refund?

Background and Evidence:

A hearing was originally scheduled for 2:30 p.m. on May 01, 2017 but had to be rescheduled for operational reasons.

The Respondent and the Applicant were both advised by Residential Tenancy Branch staff, via telephone, that the hearing was re-scheduled to 2:30 p.m. on May 02, 2017 and they were provided with the code to join the teleconference.

I dialed into the teleconference on May 02, 2017 at 2:32 p.m. The Respondent was present when I dialed into the teleconference. By the time the teleconference was terminated at 2:43 p.m., the Applicant had not appeared.

The Respondent stated that he was not aware that the Application for Dispute Resolution had been filed until his wife received a telephone call from a Residential Tenancy Branch employee on May 01, 2017 who advised that the hearing had been re-scheduled to May 02, 2017 at 2:30 p.m.

The Respondent's testimony is consistent with information in the Residential Tenancy Branch audit notes which reads:

SPOKE WITH BOTH LL AND TNT; LL ALLEGES NEVER SERVED SO I EXPLAINED WHY THERE WAS A HEARING AND WHY WE ARE HAVING TO RESCHEDULE. ALTHOUGH I COULDN'T GIVE HER COPIES OF DOCS, I RECOMMENDED SHE CALL IN AND ADVISE ARB OF SITUATION. LIKELY NOT OUR JURISDICTION AS TNT IS HOMESTAY.

The Respondent stated that the Applicant never served him with a copy of the Application for Dispute Resolution.

Analysis:

On the basis of the undisputed evidence I find that the Applicant did not serve the Respondent with the Application for Dispute Resolution.

As the Applicant did not serve the Application for Dispute Resolution, I find that he failed to diligently pursue the Application. I therefore dismiss the Application without leave to reapply.

Conclusion:

The Application for Dispute Resolution is dismissed without 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: May 02, 2017

Residential Tenancy Branch