



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$1100.00, and recovery of the filing fee.

A small amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

### Decision and Reasons

This application for dispute resolution was filed on December 7, 2016, however the applicant testified that he did not send the notice of hearing and hearing package to the landlord until about two weeks ago, which would be approximately May 22, 2017.

The landlords testified that they inadvertently found out about this hearing while at the Residential Tenancy Branch discussing an unrelated matter at the same rental address, and did not received anything from the applicant until about a week ago.

Section 59(3) of the Residential Tenancy Act states

**59(3)** Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

Since the applicant failed to comply with his obligations under the Act, it is my decision, pursuant to section 62 of the Residential Tenancy Act, that this application is dismissed, in full, without leave to reapply

.

Conclusion

This application has been dismissed, in full, 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: June 05, 2017

---

Residential Tenancy Branch