



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNDC, CNR, CNC, FF

Introduction

This hearing was scheduled for this date, via teleconference call, on May 30, 2018 to deal with a tenant's application to dispute a rent increase that was not in compliance with the Act; and, obtain a Monetary Order to recover the overpaid rent. An Amendment was submitted on June 1, 2018 indicating the tenant wished to dispute a 1 Month Notice to End tenancy for Cause dated May 30, 2018. Another Amendment was submitted on June 4, 2018 indicating the tenant was seeking to dispute a 10 Day Notice to End Tenancy for Unpaid Rent dated June 2, 2018.

Only the tenant and a person assisting the tenant, referred to by initials CR, attended the hearing. Since there was no appearance on part of the landlords I explored service of hearing documents and evidence upon the landlords.

CR testified that he attended the landlord's office three times to: deliver the first Amendment; deliver the second Amendment; and, deliver evidence. I asked CR if he received an email from the Residential Tenancy Branch after filing the Application for Dispute Resolution that contained attached documents, including the Application for Dispute Resolution. CR confirmed that he had but stated he did not know he had to print and serve those documents to the landlords.

When an Application for Dispute Resolution is received the Residential Tenancy Branch generates the The Proceeding Package which includes a copy of the Application for Dispute Resolution; Notice of Dispute Resolution Proceeding; and the Fact Sheet: *The Dispute Resolution Process*. The Application for Dispute Resolution puts the respondent on notice as to the nature of the dispute and how to serve and submit evidence. The Notice of Dispute Resolution Proceeding provides the parties with the date, time and passcode for participating in the hearing.

The Amendments that were served to the landlords have a file number but do not provide the teleconference call information a party would need to participate in the hearing.

Serving the Application for Dispute Resolution and the other required documents of the Proceeding package is required under section 59 of the Act and the Rules of Procedure. The purpose of serving these documents is in keeping with the principles of natural justice and the dispute resolution proceedings are based on the principles of natural justice.

Since the landlords were not served with the Application for Dispute Resolution and Notice of Dispute Resolution Proceeding, to proceed to hear this case would be a violation of the principals of natural justice. Accordingly, I declined to proceed to hear this case and the tenant's application is dismissed with leave to reapply.

As information for the parties with respect to circumstances where a landlord collects a rent increase that does not comply with the Act, I refer them to section 43(5) of the Act. I also strongly encourage the parties to familiarize themselves with their respective rights and obligations under the Act. Information may be obtained from the Residential Tenancy Branch website or by contacting an Information Officer by telephone or email.

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: July 18, 2018

Residential Tenancy Branch