



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT MNSD

Introduction

This decision is in respect of the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenant sought compensation for various claims under sections 38 and 67 of the Act.

A dispute resolution hearing was convened on February 1, 2019, and the tenant and her social worker attended the hearing. The parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. The landlord was not in attendance.

The tenant testified that she did not serve the landlord with a copy of the Notice of Dispute Resolution Proceeding or copies of any evidence that she intended to rely on in her case. As such, I cannot proceed with considering the tenant's application.

Section 59(3) of the Act requires that "a person who makes an application for dispute resolution must give a copy of the application [including copies of all evidence] to the other party within 3 days of making it, or within a different period specified by the director."

As I explained to the tenant and her worker, the Residential Tenancy Branch, while it will usually send out a reminder email to the parties regarding an upcoming hearing, does not provide copies of the Notice or of any evidence to the opposing party. It is the applicant's responsibility to serve those documents.

The tenant may also wish to refer to section 89 of the Act which lists the methods by which the landlord can be served with a notice and any documentary evidence the tenant wishes to rely on in her next application.

Conclusion

I dismiss the tenant's application with leave to reapply.

I have not made any findings of fact or law in respect of the issues or of the particulars of the tenant's application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: February 1, 2019

Residential Tenancy Branch