



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, MNDC, MNSD

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65.

The tenant's agent/mother J.V. (the tenant) attended the hearing via conference call and provided testimony. The landlord did not attend or submit any documentary evidence.

At the outset, extensive discussions took place over a 49 minute period in which it was determined that the tenant's agent had difficulty communicating in English. Repeated attempts were unsuccessful, but some information was revealed by the tenant. The tenant stated that English was her second language and that there was no other person able to assist her. The tenant stated that the notice of hearing package was served to the landlord on May 3, 2019 via Canada Post Registered Mail and the Canada Post Customer Receipt Tracking Number was provided in her testimony (noted on the cover of this decision). A review of the Residential Tenancy Branch File confirmed that the tenant using Service BC submitted her application via facsimile to the Residential Tenancy Branch (RTB) on May 6, 2019. The package was confirmed as being received on May 10, 2019 by the landlord in an online search. RTB data shows that the package was submitted on May 9, 2019 and notice of hearing package was generated and sent to the tenant for service upon the landlord. Extensive discussions resulted in the tenant stating that she had served a copy of a previous application and hearing package upon the landlord that was scheduled for May 2, 2019. This file was closed. As such, I find

that the tenant has failed to properly serve the landlord with the current notice of hearing package scheduled for this date. The tenant's application is dismissed with leave to reapply for lack of service.

The tenant is cautioned that retaining some sort of assistance to facilitate any future application is strongly recommended.

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 21, 2019

Residential Tenancy Branch