



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

This hearing was scheduled for 1:30 p.m. on this date, via teleconference call, to deal with a tenant's application for monetary compensation for damages or loss under the Act, regulations or tenancy agreement. At the commencement of the hearing, the landlord appeared. The tenant appeared at 1:36 p.m. and the hearing proceeded at that point.

Preliminary and Procedural Matters

The tenant testified that he served the landlord with his proceeding package by registered mail within three days of filing, although he did not know the exact date and did not have the registered mail receipt or the tracking number with him. The landlord confirmed that he received the tenant's hearing package via registered mail.

The tenant testified that he served the landlord with a written submission and evidence by placing it in the landlord's mailbox on or about July 4, 2019. The landlord confirmed receipt of this package in her mailbox.

I noted that a number of pages into the tenant's written submission of July 4, 2019 the tenant was apparently trying to change his monetary claim to reflect different calculations and make new claims that were not indicated on the Tenant's Application for Dispute Resolution. The tenant acknowledged that he did not prepare or serve an Amendment to an Application for Dispute Resolution.

The landlord had provided responses and evidence to the Residential Tenancy Branch but stated she did not have a service address for the tenant since he was residing in the rental unit when he filed but was subsequently evicted. The tenant confirmed that he

has not lived in the rental unit for some time and has not provided a forwarding address or new service address to the landlord.

The tenant stated that he is currently homeless and the landlord may serve him by using email. I noted that an email address appears on the tenant's Application for Dispute Resolution and the tenant confirmed that is the email address the landlord may use to serve him.

The tenant explained that he has difficulty reading documents on the computer screen and when he went to file his Application for Dispute Resolution it was on the computer and he felt pressured to complete it quickly since the Residential Tenancy office was closing. After he had more time to consider his claim he prepared the written submission at home and when he delivered it to the Residential Tenancy Branch he was not told that he needed to prepare and serve an Amendment to an Application for Dispute Resolution.

As I explained to the parties, I am tasked with conducting a fair proceeding. The Act and Rules of Procedure provide for certain obligations upon an applicant and a respondent to ensure a fair proceeding. In this case, I found the tenant failed to comply with Act and the Rules of Procedure and that to proceed with this case would be unfair. The tenant failed to prepare an Amendment to an Application for Dispute Resolution and serve it to the landlord by registered mail or to the landlord in person as required under section 89 of the Act for monetary claims and as required under Rule 4 of the Rules of Procedure. An applicant is also required to provide a service address so that the respondent may serve their rebuttal position and/or evidence and the tenant failed to provide a current service address after he moved out of the rental unit so the tenant was not in receipt of the landlord's responses and evidence.

Given the tenant's description of circumstances, including difficulty reading text on a computer screen, **I dismiss the tenant's application with leave to reapply.**

Since information concerning requirements under the Act and Rules of Procedure and necessary forms are often provided by way of a computer, it was suggested to the tenant that he may consider enlisting the assistance of another person in becoming familiar with the Act and procedural requirements and to ask specific questions of an Information Officer with the Residential Tenancy Branch instead of relying upon information that may or may not be given in the absence

of a question. I expressly stated the tenant must provide a service address to the landlord if he decides to re-file and the monetary claim must be clearly set out and if it changes the claim after filing the tenant is required to prepare and serve an Amendment in accordance with the Act and Rules of Procedure.

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: September 24, 2019

Residential Tenancy Branch