



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC MNDC FF

Introduction

This hearing was convened pursuant to the Tenant's Application for Dispute Resolution made on January 9, 2020 as amended on January 20, 2020 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order that the Landlord comply with the *Act*, regulation, and/or the tenancy agreement;
- a monetary order for money owed or compensation for damage or loss; and
- an order granting recovery of the filing fee.

The Tenant attended the hearing and provided affirmed testimony. The Landlord did not attend the hearing.

The Tenant testified that Landlord was served with all documentation that has been submitted to the Residential Tenancy Branch but was unable to confirm the method of service or refer me to any documentation in support of service that complies with the *Act*.

Also discussed with the Tenant during the hearing were several issues with the Application, which appears to have been made using the online Service Portal on January 9, 2020. At that time, the Tenant applied for an order that the Landlord comply with the *Act*, regulation, and/or the tenancy agreement, and an order granting recovery of the filing fee. The Tenant did not apply for any other monetary relief.

The Tenant subsequently submitted a documentary evidence package which was received at the Residential Tenancy Branch on February 20, 2020. Included with the documentary evidence package was a paper Application for Dispute Resolution dated January 6, 2020, which purported to raise a monetary claim in the amount of \$3,118.82. In addition, unlike the original Application that was made online, the paper application named two landlords. The documentary evidence package also included an Amendment to an Application for Dispute Resolution dated January 22, 2020, which purported to change the amount of the Tenant's monetary claim to \$118.82, which was not the Tenant's intent.

Considering the above, I find there is insufficient evidence of service of the above documents to conclude they were served in accordance with the *Act*. As a result, I find the Tenant's Application is dismissed with leave to reapply. Although the Tenant was disappointed and upset with this decision, I note it will provide her with an opportunity to submit a new application that names all parties correctly, provide evidence in support of service of the notice of dispute resolution hearing package and documentary evidence, and provide evidence and make submissions that support of her claim for monetary and other relief.

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: March 12, 2020

Residential Tenancy Branch