



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FFT

### Introduction

The Applicant filed the Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) for an order cancelling the One Month Notice to End Tenancy for Cause, and to recover the filing fee for the Application. The tenant filed the Application on February 19, 2020. The matter proceeded by way of a hearing pursuant to section 74(2) on April 27, 2020. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The Applicant attended the telephone conference call hearing; the Respondent did not attend.

### Preliminary Issue – service of the Notice of Dispute Resolution

The tenant stated they did not provide copy of the notice of dispute resolution to the landlord upon applying on February 19, 2020. There were some communications via phone and text messaging that led the tenant to believe the landlord knew about this dispute hearing process and the hearing on April 27, 2020.

The tenant stated they did not serve the landlord with the evidence they presented and provided to Residential Tenancy Branch in preparation for this hearing. He listed the material he received when applying: a confirmation and file number; the date of the hearing, and hearing information.

The Act section 59 contains the provisions for starting proceedings in a dispute resolution. Subsection (3) states: “. . .a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.”

The *Act* section 89 gives the rules for service of the application for dispute resolution. This is by leaving a copy with the person or their agent or sending a copy via registered mail.

Additionally, the Rules of Procedure that are crafted to ensure a fair process specify the documents to be served by the applicant (here, the tenant) to the respondent (here, the landlord). These are: the Notice of Dispute Resolution Proceeding provided when applying; the Respondent Instructions for Dispute Resolution; a process fact sheet; and other evidence submitted by the applicant.

The tenant did not provide a copy of the notice of dispute resolution proceeding – that document that is generated when a person applies for dispute resolution – to the landlord either through mail or in person. The tenant stated that he let the landlord know that he applied for an “order” by way of text messaging; however, this is not proper notification as required by the *Act*. Because the landlord did not attend the hearing, and by the testimony of the tenant, I find they did not give the required information to the landlord of this hearing date and time.

### Conclusion

I dismiss the landlord’s application for compensation, with leave to reapply. This decision does not impact any deadlines as set forth in the *Act*.

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: April 28, 2020

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Residential Tenancy Branch