



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LOCKE PROPERTY MANAGEMENT LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT FFT

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for a monetary order in the amount of \$10,100.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenant, a support person for the tenant BI (support person), the principal of the landlord company PL (principal) and two unnamed observers attended the teleconference hearing. The parties were affirmed and the principal testified that they were not served with the 20 pages the tenant served on the Residential Tenancy Branch (RTB) and as a result, did not have the details of the tenant's monetary claim.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Proceeding, application and the supporting 20 pages of evidence served on the RTB. The tenant stated that their friend served the landlord; however, unfortunately the person who served was not on the call to testify as to service of the documents. Therefore, I **dismiss** the tenant's application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing, application and supporting documentary evidence in a manner provided for under the Act. I note this decision does not extend any applicable time limits under the Act.

Preliminary and Procedural Matters

Although the tenant named the incorrect corporate landlord name, the tenant did name the principal of the corporate landlord listed on the tenancy agreement and as a result, I have amended the application, which I have the discretion to do, pursuant to section 64(3)(c) of the Act.

In addition to the above, the parties provided their email addresses during the hearing. The decision will be emailed to both parties as a result.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the parties as noted above.

The filing is not granted due to the service issue.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 22, 2020

Residential Tenancy Branch