



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, MNR

Introduction

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

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing via conference call and provided testimony. The tenant did not attend or submit any documentary evidence.

Extensive discussions over a 22 minute period resulted in the landlord being unable to provide sufficient evidence of service.

The landlord stated that he filed his application on March 5, 2020 and served it to the tenant via Registered Mail on January 17, 2020. It was clarified with the landlord that the landlord had filed the application for dispute on December 20, 2019. The landlord then stated that he served the application for dispute filed on March 5, 2020 on January 17, 2020 via Registered Mail. The landlord was informed that this application was filed on December 20, 2020. The landlord was asked if he fully understood the question on how and when he served the tenant with the notice of hearing package to the tenant. The landlord repeatedly answered that he understood the question but continued to state that he filed this application on March 5, 2020 and served it to the tenant on January 17, 2020 via Registered Mail. During the hearing a review was made of the Notice of Dispute Resolution Proceeding letter, which shows that it was produced on December 20, 2019 with a scheduled hearing date of May 22, 2020. A review of the

communications notes/documents for this file show that the landlord submitted his application for dispute via Service BC which was received on December 18, 2020. The application package was produced on December 20, 2019. The landlord submitted two subsequent evidence submissions on April 30, 2020 via Service BC.

Repeated attempts to clarify the issues with the landlord were unsuccessful. Despite the landlord repeatedly stating that he understood, the landlord did not answer the questions to clarify the landlord's evidence. At 20 minutes past the start of the scheduled hearing time, the landlord was informed that effective communication to conduct the hearing was not possible. The landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

It was recommended to the landlord that he obtain assistance from a third party who could either assist or translate for the landlord before making an application for dispute.

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: May 22, 2020

Residential Tenancy Branch