



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SouthVan Foundation c/o False Creek Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT

This hearing was convened in response to an application by the Tenant seeking compensation pursuant to section 67 of the *Residential Tenancy Act* (the “Act”).

The Landlord did not attend the hearing that lasted for 11 minutes. The Tenant states that it served the Landlord with its application for dispute resolution and notice of hearing by registered mail on March 3 and July 3, 2020. The Tenant also states that it sent its application to the Residential Tenancy Branch (the “RTB”) by registered mail on March 23, 2020. The Tenant also states that it made its application on March 3, 2020 and hand delivered it to the RTB on the same date. The Tenant states that after it left the RTB offices it served the Landlord. The Tenant states that it sent its evidence to the Landlord on July 3, 2020. It was noted that the Tenant’s copy of the application is dated March 18, 2020. The Tenant states that it is exhausted, homeless and has no resources to keep things in order. The Tenant became agitated and disconnected from the hearing before it was ended. It is noted that among the evidence materials provided by the Tenant is a letter dated March 5, 2020. This letter sets out that the purpose of the visit to the RTB on March 3, 2020 was to respond to a previous decision dated February 25, 2020.

Section 59(3) of the Act provides that 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. Section 89(1) of the Act provides that an application for dispute resolution or a decision of the director to proceed with a

review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Given the confusing and inconsistent evidence of the date of the application and of service of that application, I cannot find that the Tenant served the Landlord with its application and notice of hearing as required under the Act. I therefore dismiss the claim with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period. I note that given its difficulties at the hearing it appears that the Tenant would benefit from advocacy assistance or other support to make any future application and appearance at a hearing. I encourage the Tenant to obtain such help.

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: July 21, 2020

Residential Tenancy Branch