



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, PSF, AAT, FFT

Introduction

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

- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65;
- an order to allow access to or from the rental unit for the tenant or the tenant's guests, pursuant to section 70; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord did not attend this hearing, which lasted approximately 21 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant stated that she initially filed this application and both parties agreed to have the matter rescheduled by consent. The tenant claimed that she received the notice of rescheduled hearing, dated July 15, 2020, but she did not serve it to the landlord.

Section 89(1) of the *Act* outlines the methods of service for an application for dispute resolution, which reads in part as follows:

89 (1) An application for dispute resolution ... 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].*

Accordingly, I find that the tenant did not serve the landlord with the notice of rescheduled hearing, as per section 89 of the *Act*. The landlord did not attend this hearing to confirm service or knowledge of the rescheduled hearing date and time.

I notified the tenant that her application was dismissed with leave to reapply, except for the \$100.00 filing fee. I informed her that she could file a new application and pay a new filing fee, if she wishes to pursue this matter further. I notified her that she would be required to provide proof of service at the future hearing.

I notified the tenant that she could obtain information only, not legal advice, from information officers at the Residential Tenancy Branch or she could hire a lawyer for legal advice. I informed her that she could consult tenant resource groups, as she wanted assistance with service in the future.

Conclusion

The tenant's application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the tenant's application is dismissed with leave to reapply.

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: July 28, 2020

Residential Tenancy Branch