



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; and for return of all or part of the pet damage deposit or security deposit.

The tenant and an agent for the landlord company attended the hearing, and the tenant was accompanied by his spouse.

At the commencement of the hearing the landlord's agent stated that the landlord had not been served with the tenant's application or notice of this hearing, and the landlord learned of it from an email notification from the Residential Tenancy Branch reminding the landlord of a time limit for filing evidence. The landlord has not been served with any of the tenant's evidentiary material or the Hearing Package.

The tenant did not dispute that information and stated that the tenants were unaware of procedures in Canada, were going through some turmoil at the time, and did not have continued access to the internet.

Where a party makes a claim against another party, the claiming party is required to serve the other party with the application and notice of the hearing (the Hearing Package) within 3 days of making the application, and must also provide all evidence that the claiming party intends to rely on. Since the tenant has not done so, I dismiss the tenant's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety 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: August 18, 2020

Residential Tenancy Branch