



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC, FFT

Introduction and preliminary matters

On October 29, 2020, the Tenant made an Application for Dispute Resolution seeking a Monetary Order in the amount of 12 months' rent pursuant to Section 51 of the *Residential Tenancy Act* (the "Act") and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Tenant attended the hearing, with S.J attending as well. The Landlord also attended the hearing. All parties in attendance provided a solemn affirmation.

The Tenant advised that she did not serve the Landlord with the Notice of Hearing package because she did not realize that she was required to. As the Tenant's Notice of Hearing package was not served to the Landlord within three days of November 3, 2020, pursuant to Rule 3.1 of the Rules of Procedure, I dismiss this Application with leave to reapply.

As the Tenant did not serve the Notice of Hearing package and as her Application was subsequently dismissed, I do not find that the Tenant was successful. Therefore, the Tenant is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: February 5, 2021

Residential Tenancy Branch