



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT, FFT

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Landlord submits that they have not received any evidence from the Tenant. The Tenant confirms that it did not provide its evidence to the Landlord. The Tenant also confirms that they moved from the address set out in the application in March 2021 and did not amend the application to set out the correct address for service. The Landlord submits that it sent their evidence to the Tenant at the address in the application. The Tenant confirms that they did not receive the Landlord’s evidence. It is noted that throughout the hearing and even with a translator the Tenant’s submission were significantly difficult to understand.

Section 59(2) of the Act provides that an application for dispute resolution must, inter alia, be in the applicable approved form and must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. Rule 3.14 of the RTB Rules of Procedure requires that an applicant must provide to the respondent copies of all evidence that the applicant intends to rely on at the hearing. Rule 3.15 provides that a respondent must serve the application with its evidence that the respondent intends to rely on. As the Tenant’s application did not set out its correct address for the Landlord to provide and did not amend its application to set out the correct address, I consider that the application did not have full particulars of its correct address for service

therefore frustrating the Landlord's ability to comply with the Rules. The Tenant's communication difficulties created an unreliable basis for an amendment of the application at the hearing. Finally, the Tenant did not provide the Landlord with its evidence for the hearing. For these reasons I dismiss the Tenant's application 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 Act.

Dated: April 26, 2021

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Residential Tenancy Branch