



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NYSTAR DEV CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP RR FFT

Introduction, Preliminary Matters and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for a monetary order in the amount of \$2,600.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for regular repairs to the unit, site or property, and to recover the cost of the filing fee.

The tenant attended the teleconference hearing. The tenant was affirmed. The tenant was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The tenant was also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the tenant was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The tenant did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the tenant confirmed their email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the tenant did not have an email address for the landlord, the decision will be sent to the service address listed for the landlord on the tenant's application.

The tenant stated that they were unable to serve respondent as they did not receive the documentation from the RTB. The tenant was advised that according to the Dispute Management System (DMS) the documentation was emailed to the tenant's email address on May 5, 2021 to be served by May 8, 2021; however, the tenant stated that they did not receive the email and had also checked their junk email folder and did not find the email from the RTB.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Proceeding, application and any documentary evidence. As the tenant confirmed the respondent was not served, **I dismiss** the tenant's application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing, application and supporting documentary. I note this decision does not extend any applicable time limits under the Act.

As the tenant was not successful, I do not grant the filing fee.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the tenant and sent by regular mail to the landlord.

The filing is not granted due to the service issue.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 27, 2021

Residential Tenancy Branch