



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DR NICOLE AUBE INC and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL, FFL

Introduction

This hearing dealt with the adjourned Application for Dispute Resolution by the Landlord filed under the Residential Tenancy Act (the “Act”) for a monetary order for unpaid rent and for the return of their filing fee. This decision should be read in conjunction with the Interim decision dated March 30, 2021.

The Landlord and their spouse (the “Landlord”) attended the hearing and were reminded that the affirmation they provided on March 30, 2021, carried forward to today's proceedings. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. The Landlord testified that they did not understand that they need to serve the new Notice of Dispute Resolution Hearing documentation in accordance with the Rules of Procedure again and that they had just sent a note to the Tenant.

The Landlord was directed to the Interim decision, specifically, orders #2 and #3, dated March 30, 2021, issued as a result of the previously adjourned proceedings, which states the following:

“Conclusion

I grant the Landlord’s request and order that:

1. The hearing scheduled at 1:30 p.m. (Pacific Time) on March 30, 2021, is adjourned to a date and time to be set by the Residential Tenancy Branch in the attached notice of hearing documents.

2. The Landlord must serve the new Notice of Hearing documents, and a copy of this Interim Decision, to the Tenant.
3. The Landlord must provide the Residential Tenancy Branch with proof of service of the documents listed in point two of this Interim Decision, no later than 14 days before of the date of the new hearing.
4. No additional documentary or digital evidence regarding this application may be submitted by either the Landlord or the Tenant.
5. No amendments may be made to the Landlord's Application.
6. The Tenant may not submit a cross-application."

[Reproduced as written]

Section 3.5 of the Residential Tenancy Branch Rules of Procedure state the following regarding proof of service:

"3.5 Proof of service required at the dispute resolution hearing

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure."

I accept the Landlord's testimony that they did not serve the new Notice of Dispute Resolution Hearing documentation as ordered in the Interim Decision dated March 30, 2021. Consequently, I dismiss with leave to reapply the Landlord's application.

The Landlord expressed frustration with the process, stating that they are not familiar with the legal process and did not understand the requirements for service. The Landlord went on to state that they do not believe that the Dispute Resolution process was fair and that they had believed they had done everything that was required. This Arbitrator attempted to explain the service requirements again but was cut off when the Landlord sought to make a complaint about the process. This Arbitrator advised the Landlord that a hearing was not the appropriate place to file a complaint and directed the Landlord to contact the Residential Tenancy Branch.

The Landlord persisted in their verbal complaint to this Arbitrator, disrupting this Arbitrator's attempts to conclude these legal proceedings. The Landlord was again encouraged to contact the Residential Tenancy Branch regarding their complaint. When the Landlord would not control their outbursts in these proceedings, this Arbitrator ended this proceeding by disconnecting all parties.

Conclusion

The Landlord'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: September 2, 2021

Residential Tenancy Branch