



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNETC FFT

### Introduction and Preliminary Issue: Service of Notice of Dispute Resolution Proceeding

The tenant seeks compensation pursuant to section 51(2) of the *Residential Tenancy Act* ("Act"), and to recover the cost of the filing fee, under section 72 of the Act.

At the hearing was the tenant's son (S.B.). No one else attended the ten-minute-long hearing. In covering preliminary matters at the start of the hearing, the tenant's son stated that he believed the Notice of Dispute Resolution Proceeding was served by a lawyer who had, at least at one point in time, represented the tenant on this matter. However, the tenant's son did not have any information as to when or to whom the documents were served. It is also noted that there is no supporting documentary evidence, such as an affidavit or a proof of service document, to prove service.

Based on these facts, and given the lack of supporting documentary evidence, I am unable to find that the landlord was, in fact, served with the Notice of Dispute Resolution Proceeding as is required by section 59(3) of the Act and the *Rules of Procedure*, under the Act. To lend support to this finding is the complete absence of any documentary evidence submitted by the landlord.

Given that the landlord was not, I have concluded, ever served with the Notice of Dispute Resolution Proceeding as required, the tenant's application is dismissed, with leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: November 4, 2021

---

Residential Tenancy Branch