



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHARD DEVELOPMENT and FIRST SERVICE
RESIDENTIAL and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, MNDCT, FFT

Introduction

This hearing dealt with the Tenants application for Dispute Resolution filed on November 1, 2021, under the Residential Tenancy Act (the “Act”) requesting an Order for the Landlord to comply with the Act, for a monetary order for compensation for monetary loss or other money owed, and the return of their filing fee. The matter was set for a conference call.

Two Agents for the Landlord (the “Landlords”) and two of the Tenants attended the conference call hearing and were each affirmed to be truthful in their testimony. Both parties were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing. The Landlords and the Tenants were advised of section 6.11 of the Residential Tenancy Branches Rules of Procedure, prohibiting the recording of these proceedings.

During these proceedings, the Landlords testified that they had not received the Notice of Dispute Resolution Hearing documents or the Tenants’ documentary evidence. The Tenants testified that they had not served the Notice of Dispute Resolution Hearing documents or their documentary evidence to the Landlords as they had misunderstood the requirement.

Section 59 of the Act and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing within three days of the Notice of Dispute Resolution Proceeding Package being made available to the applicant by the Residential Tenancy Branch.

As the Tenants did not serve the Notice of Dispute Resolution Hearing documents to the Landlords, I find that the Landlords have not been duly served in accordance with *Act*. Therefore, I dismiss the Tenants' application for an order that the Landlord comply with the *Act*, and for a monetary order for compensation for monetary loss or other money owed with leave to reapply.

I dismiss the Tenants' application for the return of their filing fee for this application without leave to reapply.

Conclusion

I dismiss the Tenants' application for an Order for the Landlord to comply with the *Act*, and for a monetary order for compensation for monetary loss or other money owed with leave to reapply.

I dismiss the Tenants' application for the return of their filing fee for this application without 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: January 27, 2022

Residential Tenancy Branch