



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC, FFT

Introduction

The Tenant filed an Application for Dispute Resolution on January 4, 2022, seeking compensation from the Landlord for monetary loss associated with the end of the tenancy, and reimbursement of the Application filing fee. The matter proceeded by way of a hearing pursuant to s. 74(2) on August 15, 2022. In the conference call hearing I explained the process and provided the attending parties the opportunity to ask questions.

Preliminary Issue – service of the Notice of Dispute Resolution

The Tenant presented that they did not provide the Notice of Dispute Resolution directly to the Landlord due to an incomplete address. They received a courtesy reminder a few days in advance of the scheduled hearing.

The *Act* s. 59 contains the provisions for starting proceedings in a dispute resolution. Subsection (3) states: “. . .a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.”

The *Act* s. 89 gives the rules for service of the application for dispute resolution. This is by leaving a copy with the person or their agent or sending a copy via registered mail. Here the Tenant utilized registered mail; however, they erred on the Landlord’s address.

Additionally, the Rules of Procedure that are crafted to ensure a fair process; these specify the documents to be served by the applicant (here, the Tenant) to the respondent (here, the Landlord). These are: the Notice of Dispute Resolution

Proceeding provided when applying; the Respondent Instructions for Dispute Resolution; a process fact sheet; and other evidence submitted by the applicant.

The Tenant admitted they did not provide a copy of the notice of dispute resolution proceeding – that document that is generated when a person applies for dispute resolution – to the Landlord. The Act requires proper service in line with administrative fairness in which a party's legal rights and obligations are challenged. I dismiss the Tenant's Application for Dispute Resolution for this reason; however, the Tenant has leave to reapply on this issue.

Conclusion

I dismiss the Tenant's application for compensation, with leave to reapply. This decision does not impact any deadlines as set forth in the *Act*. The Tenant's claim for reimbursement of the filing fee is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: August 15, 2022

Residential Tenancy Branch