



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code MNDCT

This hearing was convened as a result of the Tenant's Application for Dispute Resolution made on January 20, 2022. The Tenant applied for compensation for monetary loss or other money owed, pursuant to the Residential Tenancy Act (the Act).

The Tenant attended the hearing and was accompanied by CW, an advocate. The Landlord attended the hearing and was accompanied by AA, her brother/advocate. All in attendance provided a solemn affirmation at the beginning of the hearing.

The hearing lasted 19 minutes. During this time, the Tenant was given the opportunity to provide evidence of service of the Notice of Dispute Resolution Proceeding package on the Landlord. Although the Tenant indicated these documents were served on the Landlord by email, neither the Tenant nor CW were able to provide a date on which these documents were served. The Tenant's evidence did not include a copy of an email in support of service in this manner. The Landlord testified she did not receive these documents and was not made aware of the hearing until she received correspondence from the Residential Tenancy Branch on August 26, 2022, four days before the hearing.

CW acknowledged the issue this presented and advised that the Tenant has Fetal Alcohol Syndrome and receives only weekly assistance with a support worker. CW also advised the Tenant spent his savings on food due to issues that arose during the tenancy and was restricted to a small room for a period during the tenancy. CW sought for the hearing to proceed due to these factors.

Rule of Procedure 3.5 states:

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.

Despite having more than eight months to do so, I find there is insufficient evidence before me to conclude the Tenant served the Notice of Dispute Resolution Proceeding package on the Landlord. As a result, I find that the Tenant's application is dismissed 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: August 30, 2022

Residential Tenancy Branch