



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RPP

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the “Act”) filed on June 16, 2022, for monetary compensation for loss or other money owed and for the return of personal property.

Both parties appeared. The landlord stated that they were not served with the tenant’s application. The landlord stated on October 20, 2022, they received an email from the Residential Tenancy Branch (the “RTB”) reminding them of today’s date. The landlord stated they contacted the RTB and were informed that the tenant had made an application for dispute resolution and was given the information to call into this hearing. This is confirmed by the digital file and the communication tab.

The tenant indicated that they served the landlord in multiple ways which were as follows, through the website, by text message and later stated it was sent by registered mail. The tenant was unable to provide a date or the Canada Post tracking number.

I am not sure what the tenant meant by serving the landlord through the website as this is not an available function and text messaging is not an approved method of service under section 89 of the Act. Further, the tenant indicated it was then sent by registered mail; however, was unable to provide a date or a tracking number for me to review and consider. Therefore, I find I am not satisfied the landlord was served in accordance with section 89 of the Act.

Based on the above, I find I must dismiss the tenant’s application without leave to reapply, as any future application would be past the 2-year statutory time limit as the tenancy ended on August 31, 2020.

Further, I note the tenant submits in their monetary worksheet that they want \$360,400.00 based on future loss over the next 8 years. However, that amount is outside my jurisdiction. I further note the tenant is also attempting to reargue the ending

of the tenancy, claiming it was an illegal eviction and the Arbitrators decision made on August 18, 2020, sanctioned fraud. However, I do not have the authority to change or cancel the findings that were made by in the previous decision. The tenant did not file a Judicial Review and the time to do so has expired. I have noted the file number on the covering page of this decision.

Conclusion

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: November 03, 2022

Residential Tenancy Branch