



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

This hearing was convened to hear the Tenant's Application for Dispute Resolution made on May 15, 2022. The Tenant applied for the following relief, pursuant to the Residential Tenancy Act (the Act):

- an order granting compensation for monetary loss or other money owed; and
- an order granting recovery of the filing fee.

The Tenant attended the hearing and promised to tell the truth during the hearing. The Landlord did not attend the hearing.

At the beginning of the hearing, the Tenant was asked how the Landlord was served with the Notice of Dispute Resolution Proceeding package. After several attempts, the Tenant advised that she did not understand the question and asked a friend to speak on her behalf. Although a male voice could be heard, the individual did not respond to my request to identify himself. Eventually, I asked if the Tenant was still present in the telephone conference hearing but there was no response from any participant. As a result, I advised that I would be dismissing the Tenant's application with leave to reapply and ended the telephone conference call.

Parties to a dispute resolution hearing are entitled to know and respond to the claims against them. This includes the right to be given notice of legal proceedings and the evidence being relied upon. In this case, I find the Tenant came to the hearing unprepared to provide evidence in support of service of the Notice of Dispute Resolution Proceeding package on the Landlord. Indeed, I am not satisfied the Tenant served the Landlord with these documents. Specifically, the Tenant was unable to provide oral testimony in support of service, the evidence submitted by the Tenant did not include documents in support of service, and the Landlord did not attend the hearing.

Considering the above, I find that the Tenant's request for compensation for monetary loss or other money owed is dismissed with leave to reapply. The Tenant is at liberty to reapply for the relief sought. This is not an extension of any time limit established under the Act.

As the Tenant has not been successful, I find that the Tenant's request to recover 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 Section 9.1(1) of the Residential Tenancy Act.

Dated: January 16, 2023

Residential Tenancy Branch